

ADOPTED

Representative Tanner of the 9th offers the following amendment:

1 *Amend the Senate substitute to HB 779 (LC 29 7115S) by replacing lines 1 through 139 with*
2 *the following:*

3 To amend Title 16 and Chapter 2 of Title 6 of the Official Code of Georgia Annotated,
4 relating to crimes and offenses and regulation of aeronautics, aircraft, and airports generally,
5 respectively, so as to regulate the use of unmanned aircraft systems and the gathering of
6 evidence or information by such systems; to provide for definitions; to provide for
7 exceptions; to provide for punishments and a civil right of action; to provide for preemption;
8 to create the Georgia Unmanned Vehicle Systems Commission; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **PART I**

12 **SECTION 1-1.**

13 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
14 amended by adding a new article to Chapter 11, relating to offenses against public order and
15 safety, to read as follows:

16 **"ARTICLE 6**

17 **16-11-210.**

18 **As used in this article, the term:**

19 **(1)(A) 'Unmanned aircraft system' means a powered, aerial vehicle that:**

20 **(i) Does not carry a human operator and is operated without the possibility of direct**
21 **human intervention from within or on the aircraft;**

22 **(ii) Uses aerodynamic forces to provide vehicle lift;**

23 **(iii) Can fly autonomously or be piloted remotely; and**

24 **(iv) Can be expendable or recoverable.**

25 **(B) Such term shall not include a satellite.**

26 **(2) 'Weapon' means an object, device, or instrument which when used against a person**
27 **is likely to, or actually does, result in serious bodily injury or death, including, but not**

28 limited to, a destructive device as defined in Code Section 16-7-80 or a dangerous
29 weapon as defined in Code Section 16-11-121.

30 16-11-211.

31 Except for United States military operations or federal governmental contracts involving
32 research using weaponized unmanned aircraft systems, it shall be unlawful to sell,
33 transport, manufacture, possess, or operate an unmanned aircraft system that is equipped
34 with a weapon. Any person that violates this Code section shall be guilty of a felony and
35 upon conviction shall be punished by imprisonment for not less than one nor more than
36 three years or by a fine not to exceed \$100,000.00, or both.

37 16-11-212.

38 (a) Except as provided in subsection (b) of this Code section, no law enforcement agency
39 shall use an unmanned aircraft system to gather evidence or other information in a private
40 place or of an individual in a private place.

41 (b) This Code section shall not prohibit the use of an unmanned aircraft system:

42 (1) If the law enforcement agency first obtains a search warrant signed by a judge
43 authorizing the use of an unmanned aircraft system;

44 (2) If the law enforcement agency possesses reasonable suspicion that, under particular
45 circumstances, swift action is needed to prevent imminent danger to life;

46 (3) To provide continuous aerial coverage when law enforcement is conducting an active
47 search for a fugitive or escapee or is monitoring a hostage situation; or

48 (4) To provide aerial coverage when deployed for the purpose of conducting an active
49 search for a missing person.

50 (c) An aggrieved party may initiate a civil action against a law enforcement agency to
51 obtain all appropriate relief, as determined by the court, in order to prevent or remedy a
52 violation of this Code section.

53 (d) No data collected on a person, home, or areas other than the target that justified
54 deployment of an unmanned aircraft system may be used, copied, or disclosed for any
55 purpose. Notwithstanding Article 4 of Chapter 18 of Title 50 or any state or local retention
56 policy, such data shall be deleted as soon as possible, and in no event later than five days
57 after collection. Any data retained in violation of this subsection shall be subject to
58 Article 4 of Chapter 18 of Title 50.

59 (e)(1) The use of an unmanned aircraft system to gather evidence or information for a
60 possible criminal prosecution shall constitute a search. Any law enforcement agency that
61 uses an unmanned aircraft system, or other substantially similar device to gather evidence

62 or obtain information, shall comply in all respects with the Fourth Amendment to the
 63 Constitution of the United States and the Constitution of Georgia.

64 (2) Absent exigent circumstances or another authorized exception to the search warrant
 65 requirement, evidence obtained or collected in violation of this Code section shall not be
 66 admissible as evidence in a criminal prosecution in any court of law in this state.

67 16-11-213.

68 (a) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 69 political subdivision of this state regulating the testing or operation of unmanned aircraft
 70 systems shall be deemed preempted and shall be null, void, and of no force and effect;
 71 provided, however, that a county, municipality, or other political subdivision of this state
 72 may:

73 (1) Enforce any ordinance that was adopted on or before April 1, 2016;

74 (2) Adopt any ordinance that enforces Federal Aviation Administration restrictions; or

75 (3) Adopt any ordinance that provides for or prohibits the launch or intentional landing
 76 of an unmanned aircraft system from or on its public property except with respect to the
 77 operation of an unmanned aircraft system for commercial purposes.

78 (b) The state, through agency or department rules and regulations, may provide for or
 79 prohibit the launch or intentional landing of an unmanned aircraft system from or on its
 80 public property."

81 **SECTION 1-2.**

82 Said title is further amended by revising Code Section 16-11-69, relating to penalties for
 83 violation of laws relating to wiretapping, eavesdropping, and surveillance, as follows:

84 "16-11-69.

85 Except as otherwise provided in subsection ~~(d)~~ (e) of Code Section 16-11-66.1 or Article
 86 6 of this chapter, any person violating any of the provisions of this part shall be guilty of
 87 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than
 88 one nor more than five years or a fine not to exceed \$10,000.00, or both."

89 **PART II**

90 **SECTION 2-1.**

91 Chapter 2 of Title 6 of the Official Code of Georgia Annotated, relating to regulation of
 92 aeronautics, aircraft, and airports generally, is amended by adding a new Code section to read
 93 as follows:

94 "6-2-13.

95 (a) There is created the Georgia Unmanned Vehicle Systems Commission.

- 96 (b) The commission shall be composed of:
- 97 (1) Three members of the Senate appointed by the President of the Senate;
- 98 (2) Three members of the House of Representatives appointed by the Speaker of the
- 99 House of Representatives;
- 100 (3) Two individuals appointed by the Governor with backgrounds in unmanned aircraft
- 101 systems;
- 102 (4) The commissioner of natural resources or his or her designee;
- 103 (5) The commissioner of economic development or his or her designee;
- 104 (6) One individual appointed by the Governor from the aerospace industry;
- 105 (7) The executive director of the Georgia Ports Authority or his or her designee;
- 106 (8) A sheriff appointed by the Governor;
- 107 (9) A chief of police appointed by the Governor;
- 108 (10) The director of the Georgia Emergency Management Agency or his or her designee;
- 109 (11) The director of the Georgia Bureau of Investigation or his or her designee;
- 110 (12) The Adjutant General of the Georgia National Guard or his or her designee;
- 111 (13) A mayor appointed by the Governor;
- 112 (14) A county commissioner appointed by the Governor; and
- 113 (15) One individual appointed by the Governor who is a representative of the
- 114 Association of Unmanned Vehicle Systems International.
- 115 (c) Appointed members shall be appointed by their respective appointing authorities for
- 116 two-year terms of office and may be reappointed upon the expiration of their terms of
- 117 office. Vacancies shall be filled for the unexpired term by appointment by the respective
- 118 appointing authority.
- 119 (d) The President of the Senate shall designate one of the Senate appointees as
- 120 cochairperson, and the Speaker of the House of Representatives shall designate one of the
- 121 House of Representatives appointees as cochairperson. The commission shall meet at least
- 122 four times per year and upon the call of the cochairpersons.
- 123 (e) Legislative members of the commission shall receive the allowances provided for in
- 124 Code Section 28-1-8 for attending meetings of the commission. Members of the
- 125 commission who are state officials, other than legislative members, or who are state
- 126 employees shall receive no compensation for their services on the commission, but they
- 127 may be reimbursed for expenses incurred by them in the performance of their duties as
- 128 members of the commission in the same manner as they are reimbursed for expenses in
- 129 their capacities as state officials or employees. Members of the commission who are not
- 130 legislators, state officials, or state employees shall receive a daily expense allowance in an
- 131 amount the same as that specified in subsection (b) of Code Section 45-7-21 as well as the
- 132 mileage or transportation allowance authorized for state employees.

- 133 (f) The commission, in consultation with the Department of Economic Development and
134 other interested parties, shall:
- 135 (1) Identify the benefits, including job creation, a cleaner environment, positive
136 economic impacts, increased public safety, and enhanced efficiencies, that may be
137 realized by the state from conducting research on unmanned vehicle systems in the state
138 and by developing, manufacturing, and operating unmanned vehicle systems in the state;
- 139 (2) Determine the benefits that may be realized within each of the various industry
140 sectors in the state that have the potential for the use of unmanned vehicle systems and
141 evaluate the extent to which the use of unmanned vehicle systems in the state is in the
142 public interest;
- 143 (3) Identify ways in which the benefits and other positive aspects associated with the use
144 of unmanned vehicle systems may be conveyed to the public in order to achieve public
145 support;
- 146 (4) Identify policies that should be implemented to ensure that any concerns, including
147 privacy, property rights, commercial interests, and public safety issues, are addressed;
- 148 (5) Identify concerns associated with safety and commercial interests of outdoor venues,
149 including sporting events and entertainment;
- 150 (6) As a way to provide certainty to companies that want to use unmanned aircraft
151 systems in the state, develop qualification guidelines for companies to follow when
152 applying to the Federal Aviation Administration for a Section 333 exemption;
- 153 (7) Identify the state of all unmanned vehicle systems industries in this state, looking
154 comprehensively at the industry, including the supply chain from precompetitive research
155 and development through production and operation;
- 156 (8) Identify challenges and needs of the unmanned vehicle systems industry that may be
157 met with Georgia assets for each domain of unmanned vehicle systems (aerial, land,
158 maritime), including, but not limited to, workforce, research and engineering expertise,
159 testing facilities, manufacturing facilities, and economic development opportunities
160 within the state;
- 161 (9) Develop the value proposition for Georgia that will provide a basis for marketing
162 Georgia to the current unmanned vehicle systems industry and that will position Georgia
163 for emerging needs and applications within that industry; and
- 164 (10) Provide recommendations that will encourage the development of the unmanned
165 vehicle systems industry in Georgia.
- 166 (g) On or before December 1, the commission shall provide an annual report to the
167 General Assembly on its work and findings.
- 168 (h) The commission shall be abolished on December 31, 2021."

169

PART III

170

SECTION 3-1.

171

All laws and parts of laws in conflict with this Act are repealed.