

AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 22, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 15

**Introduced by Senator Padilla
(Coauthor: Senator Jackson)**

December 3, 2012

An act to amend Section 1708.8 of the Civil Code, and to amend Sections ~~632, 647, and 1525~~ *632 and 647* of, and to add Title 14 (commencing with Section 14350) to Part 4 of, the Penal Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 15, as amended, Padilla. Aviation: unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person is subject to civil liability for constructive invasion of privacy when the person attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person engaged in a personal or familial activity under circumstances involving

a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, as specified.

Existing law makes it a crime for a person, intentionally, and without requisite consent, to eavesdrop on a confidential communication by means of any electronic amplifying or recording device.

Existing law makes it a crime for a person to look through a hole or opening or otherwise view, by means of any instrumentality, the interior of bedrooms, bathrooms, and various other areas in which an occupant has a reasonable expectation of privacy, with the intent to invade the privacy of one or more persons inside. Existing law makes it a crime for a person to use a concealed camcorder, motion picture camera, or photographic camera to secretly videotape, film, photograph, or record by electronic means, without consent, another identifiable person, under or through the clothing being worn by that person or if that person may be in a state of full or partial undress, under circumstances when that person has a reasonable expectation of privacy and when there is an intent to invade the privacy of that person, as specified.

This bill would, under the above-referenced civil and criminal provisions, provide that engaging in the prohibited activities with devices or instrumentalities affixed to or contained within an unmanned aircraft system is included within the prohibitions. With respect to the criminal provisions, the bill would impose a state-mandated local program by changing the definition of a crime.

This bill would also provide that an unmanned aircraft system may not be equipped with a ~~weapon~~. *weapon, as defined. The bill would make equipping an unmanned aircraft system with a weapon a crime, punishable as specified. By creating a new crime, the bill would impose a state-mandated local program.*

This bill would define “unmanned aircraft system” for all of these purposes.

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing or things, and the place to be searched.

This bill would ~~additionally~~ *require a law enforcement agency to obtain a search warrant when using an unmanned aircraft, as specified, and require that an application for a the search warrant specify if an unmanned aircraft system, as defined, will be used in the execution of the search warrant, and the intended purpose for which the unmanned aircraft system will be used.*

This bill would also state the intent of the Legislature to enact legislation that would establish appropriate standards for the use of unmanned aircraft systems.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Recent developments and innovations have allowed computer
4 technology to advance to the point where vehicles, including
5 aircraft, can operate without the need of an on-board operator.

6 (b) On February 14, 2012, President Obama signed into law the
7 Federal Aviation Administration Modernization and Reform Act
8 of 2012, which, among other things, requires the Federal Aviation
9 Administration to fully integrate government, commercial, and
10 recreational unmanned aircraft systems, commonly known as
11 “drones,” into United States airspace before October 2015.

12 (c) While privately and publicly operated unmanned aircraft
13 systems can have a legitimate role in areas such as agriculture,
14 scientific research, and public safety, these systems present new
15 challenges to the privacy and due process rights of Californians.

16 (d) Both public and private operators of unmanned aircraft
17 systems have a responsibility ~~to~~ not to infringe on the rights,
18 property, or privacy of the citizens of California, and any data,
19 information, photographs, video, or recordings of individuals, both
20 public and private, should be minimized and retained in a manner
21 consistent with current privacy standards.

22 (e) It is the intent of the Legislature to enact legislation that
23 would establish appropriate standards for the use of unmanned
24 aircraft systems in California.

25 SEC. 2. Section 1708.8 of the Civil Code is amended to read:

26 1708.8. (a) A person is liable for physical invasion of privacy
27 when the defendant knowingly enters onto the land of another

1 person without permission or otherwise committed a trespass in
2 order to physically invade the privacy of the plaintiff with the
3 intent to capture any type of visual image, sound recording, or
4 other physical impression of the plaintiff engaging in a personal
5 or familial activity and the physical invasion occurs in a manner
6 that is offensive to a reasonable person.

7 (b) A person is liable for constructive invasion of privacy when
8 the defendant attempts to capture, in a manner that is offensive to
9 a reasonable person, any type of visual image, sound recording,
10 or other physical impression of the plaintiff engaging in a personal
11 or familial activity under circumstances in which the plaintiff had
12 a reasonable expectation of privacy, through the use of a visual or
13 auditory enhancing device, including a device affixed to or
14 contained within an unmanned aircraft system as defined in Section
15 14350 of the Penal Code, regardless of whether there is a physical
16 trespass, if this image, sound recording, or other physical
17 impression could not have been achieved without a trespass unless
18 the visual or auditory enhancing device was used.

19 (c) An assault or false imprisonment committed with the intent
20 to capture any type of visual image, sound recording, or other
21 physical impression of the plaintiff is subject to subdivisions (d),
22 (e), and (h).

23 (d) A person who commits any act described in subdivision (a),
24 (b), or (c) is liable for up to three times the amount of any general
25 and special damages that are proximately caused by the violation
26 of this section. This person may also be liable for punitive damages,
27 subject to proof according to Section 3294. If the plaintiff proves
28 that the invasion of privacy was committed for a commercial
29 purpose, the defendant shall also be subject to disgorgement to the
30 plaintiff of any proceeds or other consideration obtained as a result
31 of the violation of this section. A person who comes within the
32 description of this subdivision is also subject to a civil fine of not
33 less than five thousand dollars (\$5,000) and not more than fifty
34 thousand dollars (\$50,000).

35 (e) A person who directs, solicits, actually induces, or actually
36 causes another person, regardless of whether there is an
37 employer-employee relationship, to violate any provision of
38 subdivision (a), (b), or (c) is liable for any general, special, and
39 consequential damages resulting from each violation. In addition,
40 the person that directs, solicits, actually induces, or actually causes

1 another person, regardless of whether there is an
2 employer-employee relationship, to violate this section shall be
3 liable for punitive damages to the extent that an employer would
4 be subject to punitive damages pursuant to subdivision (b) of
5 Section 3294. A person who comes within the description of this
6 subdivision is also subject to a civil fine of not less than five
7 thousand dollars (\$5,000) and not more than fifty thousand dollars
8 (\$50,000).

9 (f) (1) The transmission, publication, broadcast, sale, offer for
10 sale, or other use of any visual image, sound recording, or other
11 physical impression that was taken or captured in violation of
12 subdivision (a), (b), or (c) shall not constitute a violation of this
13 section unless the person, in the first transaction following the
14 taking or capture of the visual image, sound recording, or other
15 physical impression, publicly transmitted, published, broadcast,
16 sold or offered for sale, the visual image, sound recording, or other
17 physical impression with actual knowledge that it was taken or
18 captured in violation of subdivision (a), (b), or (c), and was
19 provided compensation, consideration, or remuneration, monetary
20 or otherwise, for the rights to the unlawfully obtained visual image,
21 sound recording, or other physical impression.

22 (2) For the purposes of paragraph (1), “actual knowledge” means
23 actual awareness, understanding, and recognition, obtained prior
24 to the time at which the person purchased or acquired the visual
25 image, sound recording, or other physical impression, that the
26 visual image, sound recording, or other physical impression was
27 taken or captured in violation of subdivision (a), (b), or (c). The
28 plaintiff shall establish actual knowledge by clear and convincing
29 evidence.

30 (3) Any person that publicly transmits, publishes, broadcasts,
31 sells or offers for sale, in any form, medium, format or work, a
32 visual image, sound recording, or other physical impression that
33 was previously publicly transmitted, published, broadcast, sold or
34 offered for sale, by another person, is exempt from liability under
35 this section.

36 (4) If a person’s first public transmission, publication, broadcast,
37 or sale or offer for sale, of a visual image, sound recording, or
38 other physical impression that was taken or captured in violation
39 of subdivision (a), (b), or (c), does not constitute a violation of this
40 section, that person’s subsequent public transmission, publication,

1 broadcast, sale or offer for sale, in any form, medium, format or
2 work, of the visual image, sound recording, or other physical
3 impression, does not constitute a violation of this section.

4 (5) This section applies only to a visual image, sound recording,
5 or other physical impression that is captured or taken in California
6 in violation of subdivision (a), (b), or (c) after January 1, 2010,
7 and shall not apply to any visual image, sound recording, or other
8 physical impression taken or captured outside of California.

9 (6) Nothing in this subdivision shall be construed to impair or
10 limit a special motion to strike pursuant to Section 425.16, 425.17,
11 or 425.18 of the Code of Civil Procedure.

12 (7) This section shall not be construed to limit any other cause
13 of action, right, or remedy of the plaintiff in law or equity,
14 including, but not limited to, the publication of private facts.

15 (g) This section shall not be construed to impair or limit any
16 otherwise lawful activities of law enforcement personnel or
17 employees of governmental agencies or other entities, either public
18 or private who, in the course and scope of their employment, and
19 supported by an articulable suspicion, attempt to capture any type
20 of visual image, sound recording, or other physical impression of
21 a person during an investigation, surveillance, or monitoring of
22 any conduct to obtain evidence of suspected illegal activity or
23 other misconduct, the suspected violation of any administrative
24 rule or regulation, a suspected fraudulent conduct, or any activity
25 involving a violation of law or business practices or conduct of
26 public officials adversely affecting the public welfare, health, or
27 safety.

28 (h) In any action pursuant to this section, the court may grant
29 equitable relief, including, but not limited to, an injunction and
30 restraining order against further violations of subdivision (a), (b),
31 or (c).

32 (i) The rights and remedies provided in this section are
33 cumulative and in addition to any other rights and remedies
34 provided by law.

35 (j) It is not a defense to a violation of this section that no image,
36 recording, or physical impression was captured or sold.

37 (k) For the purposes of this section, “for a commercial purpose”
38 means any act done with the expectation of a sale, financial gain,
39 or other consideration. A visual image, sound recording, or other
40 physical impression shall not be found to have been, or intended

1 to have been, captured for a commercial purpose unless it is
2 intended to be, or was in fact, sold, published, or transmitted.

3 (l) For the purposes of this section, “personal and familial
4 activity” includes, but is not limited to, intimate details of the
5 plaintiff’s personal life, interactions with the plaintiff’s family or
6 significant others, or other aspects of the plaintiff’s private affairs
7 or concerns. “Personal and familial activity” does not include
8 illegal or otherwise criminal activity as delineated in subdivision
9 (g). However, “personal and familial activity” shall include the
10 activities of victims of crime in circumstances under which
11 subdivision (a), (b), or (c) would apply.

12 (m) (1) A proceeding to recover the civil fines specified in
13 subdivision (d) or (e) may be brought in any court of competent
14 jurisdiction by a county counsel or city attorney.

15 (2) Fines collected pursuant to this subdivision shall be allocated,
16 as follows:

17 (A) One-half shall be allocated to the prosecuting agency.

18 (B) One-half shall be deposited in the Arts and Entertainment
19 Fund, which is hereby created in the State Treasury.

20 (3) Funds in the Arts and Entertainment Fund created pursuant
21 to paragraph (2) may be expended by the California Arts Council,
22 upon appropriation by the Legislature, to issue grants pursuant to
23 the Dixon-Zenovich-Maddy California Arts Act of 1975 (Chapter
24 9 (commencing with Section 8750) of Division 1 of Title 2 of the
25 Government Code).

26 (4) The rights and remedies provided in this subdivision are
27 cumulative and in addition to any other rights and remedies
28 provided by law.

29 (n) The provisions of this section are severable. If any provision
30 of this section or its application is held invalid, that invalidity shall
31 not affect other provisions or applications that can be given effect
32 without the invalid provision or application.

33 SEC. 3. Section 632 of the Penal Code is amended to read:

34 632. (a) Every person who, intentionally and without the
35 consent of all parties to a confidential communication, by means
36 of any electronic amplifying or recording device, including a device
37 affixed to or contained within an unmanned aircraft system as
38 defined in Section 14350, eavesdrops upon or records the
39 confidential communication, whether the communication is carried
40 on among the parties in the presence of one another or by means

1 of a telegraph, telephone, or other device, except a radio, shall be
2 punished by a fine not exceeding two thousand five hundred dollars
3 (\$2,500), or imprisonment in a county jail not exceeding one year,
4 or in the state prison, or by both that fine and imprisonment. If the
5 person has previously been convicted of a violation of this section
6 or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be
7 punished by a fine not exceeding ten thousand dollars (\$10,000),
8 by imprisonment in a county jail not exceeding one year, or in the
9 state prison, or by both that fine and imprisonment.

10 (b) The term “person” includes an individual, business
11 association, partnership, corporation, limited liability company,
12 or other legal entity, and an individual acting or purporting to act
13 for or on behalf of any government or subdivision thereof, whether
14 federal, state, or local, but excludes an individual known by all
15 parties to a confidential communication to be overhearing or
16 recording the communication.

17 (c) The term “confidential communication” includes any
18 communication carried on in circumstances as may reasonably
19 indicate that any party to the communication desires it to be
20 confined to the parties thereto, but excludes a communication made
21 in a public gathering or in any legislative, judicial, executive or
22 administrative proceeding open to the public, or in any other
23 circumstance in which the parties to the communication may
24 reasonably expect that the communication may be overheard or
25 recorded.

26 (d) Except as proof in an action or prosecution for violation of
27 this section, no evidence obtained as a result of eavesdropping
28 upon or recording a confidential communication in violation of
29 this section shall be admissible in any judicial, administrative,
30 legislative, or other proceeding.

31 (e) This section does not apply (1) to any public utility engaged
32 in the business of providing communications services and facilities,
33 or to the officers, employees or agents thereof, where the acts
34 otherwise prohibited by this section are for the purpose of
35 construction, maintenance, conduct or operation of the services
36 and facilities of the public utility, or (2) to the use of any
37 instrument, equipment, facility, or service furnished and used
38 pursuant to the tariffs of a public utility, or (3) to any telephonic
39 communication system used for communication exclusively within
40 a state, county, city and county, or city correctional facility.

1 (f) This section does not apply to the use of hearing aids and
2 similar devices, by persons afflicted with impaired hearing, for
3 the purpose of overcoming the impairment to permit the hearing
4 of sounds ordinarily audible to the human ear.

5 SEC. 4. Section 647 of the Penal Code is amended to read:

6 647. Except as provided in subdivision (l), every person who
7 commits any of the following acts is guilty of disorderly conduct,
8 a misdemeanor:

9 (a) Who solicits anyone to engage in or who engages in lewd
10 or dissolute conduct in any public place or in any place open to
11 the public or exposed to public view.

12 (b) Who solicits or who agrees to engage in or who engages in
13 any act of prostitution. A person agrees to engage in an act of
14 prostitution when, with specific intent to so engage, he or she
15 manifests an acceptance of an offer or solicitation to so engage,
16 regardless of whether the offer or solicitation was made by a person
17 who also possessed the specific intent to engage in prostitution.
18 No agreement to engage in an act of prostitution shall constitute
19 a violation of this subdivision unless some act, in addition to the
20 agreement, is done within this state in furtherance of the
21 commission of an act of prostitution by the person agreeing to
22 engage in that act. As used in this subdivision, "prostitution"
23 includes any lewd act between persons for money or other
24 consideration.

25 (c) Who accosts other persons in any public place or in any
26 place open to the public for the purpose of begging or soliciting
27 alms.

28 (d) Who loiters in or about any toilet open to the public for the
29 purpose of engaging in or soliciting any lewd or lascivious or any
30 unlawful act.

31 (e) Who lodges in any building, structure, vehicle, or place,
32 whether public or private, without the permission of the owner or
33 person entitled to the possession or in control of it.

34 (f) Who is found in any public place under the influence of
35 intoxicating liquor, any drug, controlled substance, toluene, or any
36 combination of any intoxicating liquor, drug, controlled substance,
37 or toluene, in a condition that he or she is unable to exercise care
38 for his or her own safety or the safety of others, or by reason of
39 his or her being under the influence of intoxicating liquor, any
40 drug, controlled substance, toluene, or any combination of any

1 intoxicating liquor, drug, or toluene, interferes with or obstructs
2 or prevents the free use of any street, sidewalk, or other public
3 way.

4 (g) When a person has violated subdivision (f), a peace officer,
5 if he or she is reasonably able to do so, shall place the person, or
6 cause him or her to be placed, in civil protective custody. The
7 person shall be taken to a facility, designated pursuant to Section
8 5170 of the Welfare and Institutions Code, for the 72-hour
9 treatment and evaluation of inebriates. A peace officer may place
10 a person in civil protective custody with that kind and degree of
11 force which would be lawful were he or she effecting an arrest for
12 a misdemeanor without a warrant. No person who has been placed
13 in civil protective custody shall thereafter be subject to any criminal
14 prosecution or juvenile court proceeding based on the facts giving
15 rise to this placement. This subdivision shall not apply to the
16 following persons:

17 (1) Any person who is under the influence of any drug, or under
18 the combined influence of intoxicating liquor and any drug.

19 (2) Any person who a peace officer has probable cause to believe
20 has committed any felony, or who has committed any misdemeanor
21 in addition to subdivision (f).

22 (3) Any person who a peace officer in good faith believes will
23 attempt escape or will be unreasonably difficult for medical
24 personnel to control.

25 (h) Who loiters, prowls, or wanders upon the private property
26 of another, at any time, without visible or lawful business with the
27 owner or occupant. As used in this subdivision, “loiter” means to
28 delay or linger without a lawful purpose for being on the property
29 and for the purpose of committing a crime as opportunity may be
30 discovered.

31 (i) Who, while loitering, prowling, or wandering upon the private
32 property of another, at any time, peeks in the door or window of
33 any inhabited building or structure, without visible or lawful
34 business with the owner or occupant.

35 (j) (1) Any person who looks through a hole or opening, into,
36 or otherwise views, by means of any instrumentality, including,
37 but not limited to, a periscope, telescope, binoculars, camera,
38 motion picture camera, camcorder, or mobile phone, or by means
39 of any of these instrumentalities affixed to or contained within an
40 unmanned aircraft system as defined in Section 14350, the interior

1 of a bedroom, bathroom, changing room, fitting room, dressing
2 room, or tanning booth, or the interior of any other area in which
3 the occupant has a reasonable expectation of privacy, with the
4 intent to invade the privacy of a person or persons inside. This
5 subdivision shall not apply to those areas of a private business
6 used to count currency or other negotiable instruments.

7 (2) Any person who uses a concealed camcorder, motion picture
8 camera, or photographic camera of any type, including any of those
9 devices when affixed to or contained within an unmanned aircraft
10 system, to secretly videotape, film, photograph, or record by
11 electronic means, another, identifiable person under or through
12 the clothing being worn by that other person, for the purpose of
13 viewing the body of, or the undergarments worn by, that other
14 person, without the consent or knowledge of that other person,
15 with the intent to arouse, appeal to, or gratify the lust, passions,
16 or sexual desires of that person and invade the privacy of that other
17 person, under circumstances in which the other person has a
18 reasonable expectation of privacy.

19 (3) (A) Any person who uses a concealed camcorder, motion
20 picture camera, or photographic camera of any type, including any
21 of those devices when affixed to or contained within an unmanned
22 aircraft system, to secretly videotape, film, photograph, or record
23 by electronic means, another, identifiable person who may be in
24 a state of full or partial undress, for the purpose of viewing the
25 body of, or the undergarments worn by, that other person, without
26 the consent or knowledge of that other person, in the interior of a
27 bedroom, bathroom, changing room, fitting room, dressing room,
28 or tanning booth, or the interior of any other area in which that
29 other person has a reasonable expectation of privacy, with the
30 intent to invade the privacy of that other person.

31 (B) Neither of the following is a defense to the crime specified
32 in this paragraph:

33 (i) The defendant was a cohabitant, landlord, tenant, cotenant,
34 employer, employee, or business partner or associate of the victim,
35 or an agent of any of these.

36 (ii) The victim was not in a state of full or partial undress.

37 (k) In any accusatory pleading charging a violation of
38 subdivision (b), if the defendant has been once previously convicted
39 of a violation of that subdivision, the previous conviction shall be
40 charged in the accusatory pleading. If the previous conviction is

1 found to be true by the jury, upon a jury trial, or by the court, upon
2 a court trial, or is admitted by the defendant, the defendant shall
3 be imprisoned in a county jail for a period of not less than 45 days
4 and shall not be eligible for release upon completion of sentence,
5 on probation, on parole, on work furlough or work release, or on
6 any other basis until he or she has served a period of not less than
7 45 days in a county jail. In all cases in which probation is granted,
8 the court shall require as a condition thereof that the person be
9 confined in a county jail for at least 45 days. In no event does the
10 court have the power to absolve a person who violates this
11 subdivision from the obligation of spending at least 45 days in
12 confinement in a county jail.

13 In any accusatory pleading charging a violation of subdivision
14 (b), if the defendant has been previously convicted two or more
15 times of a violation of that subdivision, each of these previous
16 convictions shall be charged in the accusatory pleading. If two or
17 more of these previous convictions are found to be true by the jury,
18 upon a jury trial, or by the court, upon a court trial, or are admitted
19 by the defendant, the defendant shall be imprisoned in a county
20 jail for a period of not less than 90 days and shall not be eligible
21 for release upon completion of sentence, on probation, on parole,
22 on work furlough or work release, or on any other basis until he
23 or she has served a period of not less than 90 days in a county jail.
24 In all cases in which probation is granted, the court shall require
25 as a condition thereof that the person be confined in a county jail
26 for at least 90 days. In no event does the court have the power to
27 absolve a person who violates this subdivision from the obligation
28 of spending at least 90 days in confinement in a county jail.

29 In addition to any punishment prescribed by this section, a court
30 may suspend, for not more than 30 days, the privilege of the person
31 to operate a motor vehicle pursuant to Section 13201.5 of the
32 Vehicle Code for any violation of subdivision (b) that was
33 committed within 1,000 feet of a private residence and with the
34 use of a vehicle. In lieu of the suspension, the court may order a
35 person's privilege to operate a motor vehicle restricted, for not
36 more than six months, to necessary travel to and from the person's
37 place of employment or education. If driving a motor vehicle is
38 necessary to perform the duties of the person's employment, the
39 court may also allow the person to drive in that person's scope of
40 employment.

1 (l) (1) A second or subsequent violation of subdivision (j) is
2 punishable by imprisonment in a county jail not exceeding one
3 year, or by a fine not exceeding two thousand dollars (\$2,000), or
4 by both that fine and imprisonment.

5 (2) If the victim of a violation of subdivision (j) was a minor at
6 the time of the offense, the violation is punishable by imprisonment
7 in a county jail not exceeding one year, or by a fine not exceeding
8 two thousand dollars (\$2,000), or by both that fine and
9 imprisonment.

10 ~~SEC. 5. Section 1525 of the Penal Code is amended to read:~~

11 ~~1525. (a) A search warrant cannot be issued but upon probable~~
12 ~~cause, supported by affidavit, naming or describing the person to~~
13 ~~be searched or searched for, and particularly describing the~~
14 ~~property, thing or things, and the place to be searched.~~

15 ~~(b) The application shall specify, when applicable, that the place~~
16 ~~to be searched is in the possession or under the control of an~~
17 ~~attorney, physician, psychotherapist, or clergyman.~~

18 ~~(c) The application shall specify if an unmanned aircraft system,~~
19 ~~as defined in Section 14350, will be used in the execution of the~~
20 ~~search warrant, and the intended purpose for which the unmanned~~
21 ~~aircraft system will be used.~~

22 ~~SEC. 6.~~

23 ~~SEC. 5. Title 14 (commencing with Section 14350) is added~~
24 ~~to Part 4 of the Penal Code, to read:~~

25
26 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

27
28 14350. “Unmanned aircraft system” means unmanned aircraft
29 and associated elements, including communication links and the
30 components that control the unmanned aircraft, that are required
31 for the pilot in command to operate the unmanned aircraft safely
32 and efficiently within the national airspace system.

33 14351. (a) An unmanned aircraft system may not be equipped
34 with a weapon.

35 (b) *Equipping an unmanned aircraft system with a weapon is*
36 *punishable by a fine not exceeding one thousand dollars (\$1,000),*
37 *or by imprisonment in the county jail not exceeding three months,*
38 *or by both the fine and imprisonment.*

1 (c) For purposes of this section, “weapon” means any
2 instrument likely to produce great bodily injury or damage to, or
3 the destruction of, real or personal property.

4 (d) This section and any other provision of this part which makes
5 a violation of this title a crime shall not preclude application of
6 any other criminal provision to an act or omission which
7 constitutes a violation of this part.

8 14352. (a) A law enforcement agency shall obtain a search
9 warrant when using an unmanned aircraft system under
10 circumstances where a search warrant is required.

11 (b) A search warrant is not required for the use of an unmanned
12 aircraft system under circumstances where there is an exception
13 to the search warrant requirement, or under exigent circumstances.

14 (c) The search warrant application shall specify if an unmanned
15 aircraft system, as defined in Section 14350, will be used in the
16 execution of the search warrant, and the intended purpose for
17 which the unmanned aircraft system will be used.

18 ~~SEC. 7.~~

19 SEC. 6. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.