

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1904

By: Representative Steel

## For An Act To Be Entitled

AN ACT CONCERNING THE USE OF UNMANNED AERIAL  
VEHICLES; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE USE OF UNMANNED AERIAL  
VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 12 is amended to add a new chapter to read as follows:

#### Chapter 19

#### Unmanned Aerial Vehicles

##### 12-19-101. Title.

This chapter is known and may be cited as the "Unmanned Aerial Vehicle Act".

##### 12-19-102. Definitions.

As used in this chapter, "unmanned aerial vehicle" means an aircraft that is operated without direct human intervention from within or on the aircraft.

##### 12-19-103. Use by law enforcement agency.

(a) The use of an unmanned aerial vehicle shall fully comply with all Federal Aviation Administration requirements.

(b) Guidelines and acquisition of an unmanned aerial vehicle shall be



approved by the local governing body overseeing the local law enforcement agency that is seeking to acquire the unmanned aerial vehicle.

12-19-104. Unlawful acts.

(a) It is unlawful for a local law enforcement agency to operate an unmanned aerial vehicle or to disclose or receive information acquired through the operation of an unmanned aerial vehicle except:

(1) If an unmanned aerial vehicle was operating lawfully and a person about whom information was acquired by the unmanned aerial vehicle consents to the disclosure of the information;

(2)(A) If a law enforcement agency:

(i) Operates an unmanned aerial vehicle under circumstances the local law enforcement agency reasonably believes constitute an emergency situation that:

(a) Involves:

(1) Immediate danger of death or serious physical injury to a person;

(2) Conspiratorial activities threatening the national security interest; or

(3) Conspiratorial activities characteristic of organized crime; and

(b) Requires operation of an unmanned aerial vehicle before a warrant or order authorizing such interception can, with due diligence, be obtained; and

(ii) Receives or discloses the information from the operation to address the emergency situation.

(B) Use of an unmanned aerial vehicle in an emergency situation is subject to the following limitations:

(i) A supervisory official shall file a sworn statement or application for a search warrant setting forth the grounds for the emergency access not later than forty-eight (48) hours after the local law enforcement agency begins operation of an unmanned aerial vehicle; and

(ii) The request shall document the factual basis for the emergency, including an affidavit for a warrant, if applicable; or

(3) An unmanned aerial vehicle may be operated and information from the operation may be disclosed in order to collect information from a

nonpublic area if a court has issued a valid search warrant under the Arkansas Rules of Criminal Procedure.

(b)(1) When an unmanned aerial vehicle is lawfully used under this chapter, it shall be operated in a manner to collect data only on the target and to avoid data collection on individuals, homes, or areas other than the target.

(2) Facial recognition or other biometric matching technology shall not be used on nontarget data collected by an unmanned aerial vehicle.

(c) It is not unlawful under this chapter for a local law enforcement agency to operate an unmanned aerial vehicle and for information from the operation to be disclosed if the information received and evidence derived from the operation are not used as evidence in a trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision thereof, or for any intelligence purpose.

(d) An unmanned aerial vehicle shall not be equipped with weapons.

#### 12-19-105. Data Retention.

(a)(1) Data collected on an individual, home, or area other than the target that justified deployment shall not be used, copied, or disclosed for any purpose.

(2) Data of this nature shall be deleted as soon as possible, and in no event later than twenty-four (24) hours after collection.

(b) If a local law enforcement agency uses an unmanned aerial vehicle, information acquired and evidence derived from its use shall not be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

#### 12-19-106. Legislative oversight.

(a) A local law enforcement agency that uses an unmanned aerial vehicle for any reason shall file a report with Legislative Council by June 1, 2014, and each year thereafter.

(b) The report shall contain the following information:

(1) The number of times an unmanned aerial vehicle was used,

organized by the types of incidents and the types of justification for deployment;

(2)(A) The number of crime investigations aided by the use of unmanned aerial vehicles.

(B) A description of how the unmanned aerial vehicle was helpful to each investigation shall be included;

(3)(A) The number of uses of unmanned aerial vehicles for reasons other than criminal investigations.

(B) A description of how the unmanned aerial vehicle was helpful in each instance shall be included;

(4) The frequency and type of data collected on individuals or areas other than targets; and

(5) The total cost of the local law enforcement agency's unmanned aerial vehicle program.