

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1904

5 By: Representative Steel  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE USE OF UNMANNED AERIAL  
9 VEHICLES; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 CONCERNING THE USE OF UNMANNED AERIAL  
12 VEHICLES.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 12 is amended to add a new chapter to  
20 read as follows:

#### Chapter 19

#### Unmanned Aerial Vehicles

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

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24 This chapter is known and may be cited as the "Unmanned Aerial Vehicle  
25 Act".  
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##### 12-19-102. Definitions.

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28 As used in this chapter, "unmanned aerial vehicle" means an aircraft  
29 that is operated without direct human intervention from within or on the  
30 aircraft.  
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##### 12-19-103. Use by law enforcement agency.

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33 (a) The use of an unmanned aerial vehicle shall fully comply with all  
34 Federal Aviation Administration requirements.  
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36 (b) Guidelines and acquisition of an unmanned aerial vehicle shall be



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

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 4 12-19-104. Unlawful acts.

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

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

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

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

15 (a) Involves:

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

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

20 (3) Conspiratorial activities  
 21 characteristic of organized crime; and

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

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

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

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

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

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

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

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

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

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

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

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18 12-19-105. Data Retention.

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

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

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

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31 12-19-106. Legislative oversight.

32 (a) A local law enforcement agency that uses an unmanned aerial  
33 vehicle for any reason shall file a report with Legislative Council by June  
34 1, 2014, and each year thereafter.

35 (b) The report shall contain the following information:

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

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

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

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

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

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

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

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

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