

House Bill 157

By: Representatives Cooke of the 18th, Allison of the 8th, Quick of the 117th, Hightower of the 68th, Clark of the 147th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 6-2-5 of the Official Code of Georgia Annotated, relating to lawful
2 flight over lands and waters of this state, so as to provide that no aircraft shall be operated
3 in the airspace above private property extending from the surface up to a distance of 100 feet
4 above the surface for the purpose of searching or engaging in surveillance without a search
5 warrant or permission of the property owner, and any evidence obtained by an aircraft within
6 such protected zone without a search warrant or permission of the owner of the property shall
7 be inadmissible in the courts of this state; to amend Article 2 of Chapter 5 of Title 17 of the
8 Official Code of Georgia Annotated, relating to searches with warrants, so as to provide
9 definitions; to provide for the inadmissibility of any evidence obtained through the use of
10 unmanned aerial vehicles without a warrant; to provide for legislative findings; to provide
11 for related matters; to provide an effective date; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 The General Assembly finds and declares the following:

- 16 (1) The right to privacy is fundamental in a free and civilized society;
- 17 (2) Persons within the State of Georgia have a reasonable and justifiable expectation of
18 privacy that they will not be monitored by unmanned aerial vehicles (UAVs) by law
19 enforcement agents of the United States or the State of Georgia without a warrant based
20 upon probable cause first being issued;
- 21 (3) The potential benefit to law enforcement and criminal justice from the use of UAVs
22 without a warrant first being issued is far outweighed by the degradation to the
23 fundamental right to privacy secured by the Constitution of the United States and the
24 Constitution of Georgia that will result from law enforcement use of UAVs without first
25 obtaining a warrant; and

26 (4) The use of UAVs by law enforcement without first obtaining a warrant is repugnant
27 to a free society.

28 **SECTION 2.**

29 Code Section 6-2-5 of the Official Code of Georgia Annotated, relating to lawful flight over
30 lands and waters of this state, is amended by designating the existing text as subsection (a)
31 and by adding a new subsection to read as follows:

32 "(b) No aircraft, whether manned or unmanned, shall be operated in the airspace above
33 private property extending from the surface up to a distance of 100 feet above the surface
34 for the purpose of searching or engaging in surveillance without a search warrant or
35 permission of the property owner, and any evidence obtained by an aircraft flying within
36 such protected zone without a search warrant or permission of the owner of the property
37 shall be inadmissible in the courts of this state."

38 **SECTION 3.**

39 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to
40 searches with warrants, is amended by adding a new Code section to read as follows:

41 "17-5-33.

42 (a) As used in this Code section, the term:

43 (1) 'Unmanned aerial vehicle' means any aircraft of any type without a human pilot on
44 board.

45 (2) 'Warrant' means a search warrant or investigative warrant issued by a duly authorized
46 magistrate or judge of the State of Georgia or a duly authorized federal magistrate or
47 judge using the procedures established by applicable law which shall be based upon
48 probable cause established by oath or affirmation and which shall be obtained prior to use
49 of a unmanned aerial vehicle and shall expire 24 hours after issuance.

50 (b) Any information gathered by an unmanned aerial vehicle without a warrant and any
51 information gathered as a result of the use of an unmanned aerial vehicle without a warrant
52 is declared inadmissible in any civil or criminal proceeding in the State of Georgia.

53 (c) This Code section shall be broadly construed to effect the legislative intent of requiring
54 a warrant prior to the use of an unmanned aerial vehicle within the State of Georgia by law
55 enforcement and requiring a warrant in order for any information obtained by an unmanned
56 aerial vehicle or as a result of the use of an unmanned aerial vehicle to be admissible in a
57 court of law."

58

SECTION 4.

59 This Act shall become effective upon its approval by the Governor or upon its becoming law
60 without such approval.

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SECTION 5.

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