

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 46
97TH GENERAL ASSEMBLY

0371H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 305, RSMo, by adding thereto four new sections relating to unmanned aerial surveillance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 305, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 305.635, 305.637, 305.639, and 305.641, to read as follows:

305.635. 1. Sections 305.635 to 305.641 shall be known and may be cited as the
2 **“Preserving Freedom from Unwarranted Surveillance Act”.**

3 **2. As used in sections 305.635 to 305.641, the following terms shall mean:**

4 **(1) “Drone”, any powered, aerial vehicle that:**

5 **(a) Does not carry a human operator;**

6 **(b) Uses aerodynamic forces to provide vehicle lift;**

7 **(c) Can fly autonomously or be piloted remotely;**

8 **(d) Can be expendable or recoverable; and**

9 **(e) Can carry a lethal or non-lethal payload.**

10 **(2) “Unmanned aircraft”, an aircraft that is operated without the possibility of**
11 **direct human intervention from within or on the aircraft.**

12 **(3) “Law enforcement agency”, any state, county, or municipal law enforcement**
13 **agency in the state. The term law enforcement agency shall not include the Missouri**
14 **department of corrections, or any state, county, or municipal fire department.**

305.637. 1. No person, entity, or state agency shall use a drone or other unmanned
2 **aircraft to gather evidence or other information pertaining to criminal conduct or conduct**
3 **in violation of a statute or regulation except to the extent authorized in a warrant.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 **2. No person, entity, or state agency shall use a drone or other unmanned aircraft**
5 **to conduct surveillance of any individual, property owned by an individual, farm, or**
6 **agricultural industry without the consent of that individual, property owner, farm or**
7 **agricultural industry.**

305.639. This act does not prohibit the use of a drone or other unmanned aircraft
2 **by:**

3 **(1) A law enforcement agency when exigent circumstances exist. For the purposes**
4 **of this section, exigent circumstances exist if a law enforcement agency possesses**
5 **reasonable suspicion that, under particular circumstances, swift action to prevent**
6 **imminent danger to life is necessary; or**

7 **(2) A Missouri-based higher education institution conducting educational, research,**
8 **or training programs within the scope of its mission, grant requirements, curriculum or**
9 **collaboration with the United States Department of Defense.**

305.641. 1. Any aggrieved party may in a civil action obtain all appropriate relief
2 **to prevent or remedy a violation of this act.**

3 **2. No information obtained or collected in violation of this act may be admissible**
4 **as evidence in a criminal proceeding in any court of law in the state or in an administrative**
5 **hearing.**

6 **3. Sovereign immunity for the state of Missouri is waived for any civil action**
7 **resulting from a violation of sections 305.635 to 305.641.**

✓