

HCS HB 46 -- Preserving Freedom from Unwarranted Surveillance Act

SPONSOR: Guernsey

CCOMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 14 to 1.

This substitute establishes the Preserving Freedom from Unwarranted Surveillance Act which prohibits any person, entity, or state agency from using a drone or other unmanned aircraft to gather evidence or other information relating to criminal conduct or a violation of a statute or regulation except to the extent authorized in a warrant. No person, entity, or state agency is permitted to use a drone or unmanned aircraft to conduct surveillance of an individual, property owned by an individual, farm, or agricultural industry without the consent of the individual, property owner, farm, or agricultural industry.

The substitute does not prohibit the use of a drone by a law enforcement agency if the agency possesses reasonable suspicion that, under particular circumstances, swift action to prevent imminent danger to life is necessary or by a higher education institution conducting certain educational, research, or training programs.

Any aggrieved party may obtain relief in a civil action to prevent or remedy a violation of the act. Information obtained or collected in violation of this act cannot be admissible as evidence in a criminal proceeding or in an administrative hearing. The state waives sovereign immunity for any violation resulting from the act.

PROPOSERS: Supporters say that drone technology is being used in other states by federal and state agencies to monitor agriculture. This bill protects farmers, business owners and other land owners from unwanted and unknown surveillance as the technology advances and makes drones less expensive to purchase.

Testifying for the bill were Representative Guernsey; Missouri Family Network; Missouri Farm Bureau; Missouri Agribusiness Association; ACLU-EM; and Missouri Federation of Animal Owners.

OPPOSERS: Those who oppose the bill say that drone technology should not be the focus of the legislation; privacy laws should be the focus. The bill restricts the use of new technology before the technology is available.

Testifying against the bill was John Davidson.

OTHERS: Others testifying on the bill expressed concerns that the bill prohibits certain types of projects by the state's universities.

Testifying on the bill was University of Central Missouri.