

HCS HB 46 -- PRESERVING FREEDOM FROM UNWARRANTED SURVEILLANCE ACT
(Guernsey)

COMMITTEE OF ORIGIN: Committee on Agri-Business

This substitute establishes the Preserving Freedom from Unwarranted Surveillance Act which prohibits any person, entity, or state agency from using a manned aircraft, drone or 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. A person, entity, or state agency is prohibited from using a manned aircraft, drone or unmanned aircraft to conduct surveillance or observation under the doctrine of open fields of an individual, property owned by an individual, farm, or agricultural industry without the consent of the individual, property owner, farm, or agricultural industry. A person, group of persons, entity, or organization, including a journalist, reporter, or news organization, is prohibited from using a drone or other unmanned aircraft to conduct surveillance of an individual or property owned by an individual or business without the consent of the individual or property owner.

The substitute does not prohibit the use of a manned aircraft, drone or unmanned aircraft 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. The use of model aircraft is also not prohibited

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 the 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.

The substitute contains an emergency clause.