

ESSB 5034 - H AMD TO APP COMM AMD (H-2378.4/13) **387**

By Representative Taylor

FAILED 04/12/2013

1 On page 9, after line 3, insert the following:

2 "(5) The office of the governor shall comply with the requirements
3 of section 968 of this act."
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5 On page 15, after line 22, insert:

6 "(12) The attorney general shall comply with the requirements of
7 section 968 of this act."
8

9 On page 25 after line 34, insert:

10 "(3) The department shall comply with the requirements of section
11 968 of this act."
12

13 On page 26, line 35, after "limitations:" insert "(1)"
14

15 On page 27, after line 4, insert:

16 "(2) The insurance commissioner shall comply with the requirements
17 of section 968 of this act."
18

19 On page 28, after line 2, insert:

20 "(3) The liquor control board shall comply with the requirements
21 of section 968 of this act."
22

23 On page 28, line 13, after "limitations:" insert "(1)"
24

25 On page 28, after line 19, insert:

26 "(2) The utilities and transportation commission shall comply with
27 the requirements of section 968 of this act."
28

29 On page 29, after line 29, insert:

1 "(5) The military department shall comply with the requirements of
2 section 968 of this act."

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4 On page 33, after line 14, insert:

5 "(11) The department shall comply with the requirements of section
6 968 of this act."

7 On page 36, after line 23, insert:

8 "(7) The department shall comply with the requirements of section
9 968 of this act."

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11 On page 83, after line 7, insert:

12 "(9) The department shall comply with the requirements of section
13 968 of this act."

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15 On page 90, after line 20, insert:

16 "(24) The department shall comply with the requirements of section
17 968 of this act."

18 On page 90, line 27, after "limitations" insert "(a)"

19
20 On page 91, after line 2, insert:

21 "(b) The department shall comply with the requirements of section
22 968 of this act."

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24 On page 95, after line 31, insert:

25 "(6) The department shall comply with the requirements of section
26 968 of this act."

27
28 On page 96, after line 8, insert:

29 "The appropriations in this section are subject to the following
30 conditions and limitations: The commission shall comply with the
31 requirements of section 968 of this act."

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33 On page 99, after line 18, insert:

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1 "(11) The department shall comply with the requirements of section
2 968 of this act."

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4 On page 100, after line 14, insert:

5 "(4) The commission shall comply with the requirements of section
6 968 of this act."

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8 On page 100, after line 26, insert:

9 "The appropriations in this section are subject to the following
10 conditions and limitations: The board shall comply with the
11 requirements of section 968 of this act."

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13 On page 102, after line 4, insert:

14 "(5) The commission shall comply with the requirements of section
15 968 of this act."

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17 On page 104, after line 19, insert:

18 "(12) The department shall comply with the requirements of section
19 968 of this act."

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21 On page 106, after line 37 insert:

22 "(11) The department shall comply with the requirements of section
23 968 of this act."

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25 On page 107, after line 34 insert:

26 "(5) The department shall comply with the requirements of section
27 968 of this act."

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29 On page 108, after line 19, insert:

30 "(3) The Puget Sound partnership shall comply with the
31 requirements of section 968 of this act."

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33 On page 110, after line 7, insert:

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1 "(4) The department shall comply with the requirements of section
2 968 of this act."

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4 On page 111, after line 33, insert:

5 "(6) The State patrol shall comply with the requirements of
6 section 968 of this act."

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8 On page 241, after line 18, insert:

9 "NEW SECTION. Sec. 968. Unmanned Aircraft Standards. (1) For
10 the purposes of this section,

11 (a) "Public unmanned aircraft system" means an unmanned aircraft
12 and associated elements, including communications links, sensing
13 devices, and the components that control the unmanned aircraft,
14 operated by a state agency, except the Washington national guard in
15 Title 32 U.S.C. status.

16 (b) "State agency" means an agency in which this section 968 is
17 specifically referenced in the section authorizing their
18 appropriations for the 2013-15 biennium.

19 (b) "Unmanned aircraft" means an aircraft that is operated without
20 the possibility of human intervention from within or on the aircraft.

21 (2) Except as specifically authorized in this section, state
22 agencies shall not operate a public unmanned aircraft system or
23 disclose personal information about any person acquired through the
24 operation of a public unmanned aircraft system.

25 (3) No state agency shall procure a public unmanned aircraft
26 system without the explicit approval of the legislature, given for
27 that specific public unmanned aircraft system to be used for a
28 specific purpose.

29 (4) All operations of a public unmanned aircraft system or
30 disclosure of personal information about any person acquired through
31 the operation of a public unmanned aircraft system shall be
32 conducted in such a way as to minimize the collection and disclosure
33 of personal information not authorized under this section.

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1 (5) A public unmanned aircraft system may be operated and
2 personal information from such operation disclosed in order to
3 collect personal information:

4 (a) Pursuant to a criminal search warrant issued by a court of
5 competent jurisdiction;

6 (b) If a law enforcement officer or public official reasonably
7 determines that an emergency situation exists that presents
8 immediate danger of death or serious physical injury to any person;
9 the situation requires operation of a public unmanned aircraft
10 system; and, if criminal activity is involved, there are grounds
11 upon which such a warrant could be entered to authorize such
12 operation and an application for a warrant providing such operation
13 is made within forty-eight hours after the operation has occurred or
14 begins to occur;

15 (c) If a law enforcement officer or public official reasonably
16 determines that the operation does not intend to collect personal
17 information and is unlikely to accidentally collect personal
18 information, and such operation is not for purposes of regulatory
19 enforcement;

20 (d) If the operation is part of a training exercise conducted
21 on a military base and the public unmanned aircraft system does not
22 collect personal information on persons located outside the military
23 base; or

24 (e) if the operations is for training or testing purposes by an
25 agency and does not collect personal information.

26 (6) Whenever any personal information from a public unmanned
27 aircraft system has been acquired, no part of such personal
28 information and no evidence derived therefrom may be received in
29 evidence in any trial, hearing, or other proceeding in or before any
30 court, grand jury, department, officer, agency, regulatory body,
31 legislative committee, or other authority of the state or a political
32 subdivision thereof if the collection or disclosure of that personal
33 information would be in violation of this section.

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1 (7) Personal information collected during the operation of a
2 public unmanned aircraft system authorized by and consistent with this
3 chapter may not be used, copied, or disclosed for any purpose after
4 conclusion of the operation, unless there is probable cause that the
5 personal information is evidence of criminal activity. Personal
6 information shall be deleted as soon as possible after there is no
7 longer probable cause that the personal information is evidence of
8 criminal activity; this must be within thirty days if the personal
9 information was collected on the target of a warrant authorizing the
10 operation of the public unmanned aircraft system, and within ten days
11 for other personal information collected incidentally to the operation
12 of a public unmanned aircraft system otherwise authorized by and
13 consistent with this chapter. There shall be a presumption that
14 personal information is not evidence of criminal activity if that
15 personal information is not used in a criminal prosecution within one
16 year of collection.

17 (8) (a) By July 1 of each year, any state agency which has
18 utilized a public unmanned aircraft system in the preceding calendar
19 year must report to the chief of the Washington state patrol or his or
20 her designee each use of a public unmanned aircraft system, including
21 the date, time, location of use, target of data collection, type of
22 data collected, the justification for the use, the operator of the
23 public unmanned aircraft system, and the person who authorized the
24 use.

25 (b) By December 1 of each year, the chief of the Washington State
26 Patrol or his or her designee shall transmit to the legislature a full
27 and complete report containing a summary and analysis of all the data
28 described in subsection (9)(a) of this section.

29 (9) A person who has been damaged by a violation of this section
30 may seek any remedy provided by law, including commencing any legal
31 action.

32 (10) Nothing in this section shall be construed to limit the
33 state's ability to establish and operated a test range for the
34 integration of unmanned aviation vehicles into the national airspace."

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EFFECT: Specified state agencies must comply with requirements related to unmanned aircraft. The state agency must receive explicit legislative approval before procuring a drone. A state agency may operate a drone: (a) pursuant to a criminal search warrant; (b) if necessary to prevent immediate death or serious injury; (c) if the operation won't collect personal information and isn't for regulatory enforcement; (d) if the operation is part of a military training exercise on a military base; or (e) if the operation is for training and testing purposes by an agency and does not collect personal information. Information collected in violation of the requirements can't be used in trial.

If there is no probable cause that personal information collected is evidence of criminal activity, the information may not be used for any purpose and must be deleted: (a) within 10 days if on a person besides the target of a search warrant; or (b) within 30 days if on the target of the warrant. Any state agency that uses a drone must report by July 1 to the State Patrol on any operations and the State Patrol must provide a summary of the reports to the legislature by Dec. 1 of each year. A person damaged by a violation of the section may seek any legal remedy available, including civil action.

The applicable agencies are the Governor's office, the Attorney General, The Department of Revenue, the Insurance Commissioner, the Liquor Control Board, the UTC, the Military Department, the Department of Enterprise Services, the Department of Social and Health Services, the Department of Labor and Industries, the Department of Health, the Department of Corrections, the Employment Security Department, the Department of Ecology, the Parks and Recreation Commission, the Columbia River Gorge Commission, the Recreation and Conservation Funding Board, the conservation Commission, the Department of Fish and Wildlife, the Department of Natural Resources, the Department of Agriculture, the Puget Sound Partnership, the Department of Licensing, and the State Patrol.

FISCAL IMPACT: No net change to appropriated levels.

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