



Written by [Raven Clabough](#) on February 19, 2014

State Legislatures Pass Bills Limiting Domestic Drone Use

With more and more Americans questioning the constitutionality of drone use for surveillance and law enforcement, some state legislatures are attempting to limit the government's use of drones and restore some of the Constitutional rights on which the use of drones is infringing. Lawmakers in Washington state and Wisconsin passed bills this week that limit drone use.



In Washington, House Bill 2789, [approved February 17](#) by an 83-15 vote, specifies that the government's use of drones be limited to military training, emergency situations when there is an immediate danger or threat of death, to monitor wildlife and the environment, or in the event that a warrant has been obtained (for surveillance).

Filed by Rep. Dave Taylor (R-Moxee), along with five Democrats and six Republicans, the bill bans the use of drones to collect any personal information that "describes, locates, or indexes anything about a person" without a warrant "made in writing, upon oath or affirmation, to a judicial officer ... where there is probable cause." It bans public agencies from obtaining drones without first seeking permission from the appropriate governing body.

The bill also asks that an agency using drones prepare annual reports for the public that describe the use of the drones, and permits anyone who claims that a violation of the drone provisions has hurt their person, business, or reputation could sue the agency for damages, attorney fees, and other litigious costs.

According to Rep. Roger Goodman, D-Kirkland, the bill is useful because technology has made it too easy to watch people without their knowledge.

"This calls for reasonable regulation so we don't have warrantless searches of the public, to control what might be fishing expeditions," he said. "HB2789 is a reasonable measure to protect our rights not only under the 4th Amendment to the US constitution, but also under Article I section 7 of the state constitution, which protects privacy to a much greater degree."

Likewise, Washington's House passed House Bill 2178 that would limit the ability to use drones on private property, stating "...drones, including those capable of gathering personal information such as photos, could be used on private property if landowners or tenants give permission and if the drones are labeled with the owner's contact information."

House Bill 2178 passed by a vote of 92-6, and ultimately bans the unauthorized use of drones with sensing devices above private property. It states that the drone could be flown over public land if it does not interfere with the rights of others.

Both bills will now head to the state Senate for a vote.



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Of the two bills, Truth Revolt observes, "There is no language within either bill that would limit the purchase of drones for private use or require owners to register them with the state."

In the state of Wisconsin, the state Senate voted February 18 to make it a crime to deploy a drone that has audio and video capabilities, and also made it a crime to own a "weaponized" drone.

The bipartisan Senate Bill 196 makes it a crime to "deploy an unmanned drone capable of video or audio recording in areas where people have a reasonable expectation of privacy."

The bill allows local law enforcement to use a drone without a warrant "if it is necessary to do so for certain emergency purposes, including to locate an escaped prisoner, to aid in a search and rescue mission, or to prevent imminent harm to a person or the imminent destruction of evidence."

However, any information obtained via drone without a search warrant will not be admissible in a criminal proceeding.

That bill will now be considered in the state Assembly.

Documents released under a Freedom of Information Request in 2012 helped to shed some light on the use of drones in the United States, and further raised concerns over privacy violations.

In April of 2011, the Electronic Frontier Foundation filed a Freedom of Information request to determine the prevalence of domestic use of drones, but the Department of Transportation failed to release the information requested. The EFF then filed a lawsuit against the department in January 2012 "demanding data on certifications and authorizations the agency has issued for the operation of unmanned aircraft, also known as drones." Certifications by the FAA are required for anyone who wishes to operate a drone in the United States at altitudes over 400 feet.

Months later, that lawsuit helped to uncover 125 drone certificates and accompanying documents from the FAA totaling thousands of papers. It also revealed all the entities licensed to fly domestic drones, which include police departments from Seattle, Washington, to Little Rock, Arkansas, as well as 10 public colleges and universities, and several federal agencies such as the USDA and the Department of Energy. The EFF reported that the technology of the drones reveals their primary purpose is surveillance

Jennifer Lynch, the staff attorney for the EFF who filed the suit, said in a statement that the use of drones for non-military purposes is "raising significant privacy concerns."

"Drones give the government and other unmanned aircraft operators a powerful new surveillance tool to gather extensive and intrusive data on Americans' movements and activities," Lynch said. "As the government begins to make policy decisions about the use of these aircraft, the public needs to know more about how and why these drones are being used to surveil United States citizens."

Furthermore, the Department of Homeland Security has already provided funding to local police forces for the purpose of purchasing aerial surveillance, including \$250,000 to the Montgomery County Sheriff's office.

And in 2013, the DHS was developing drones for "public safety applications" at Fort Sill, Oklahoma.

Likewise, CNet's Declan McCullagh obtained government documents that detail how the DHS is customizing Predator drones designated for overseas military operations. Some have articulated concerns that the drones will be used for identifying civilians who are carrying guns.

Additionally, Kentucky Republican Senator Rand Paul helped bring drone usage in the "War on Terror"



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to the center of public debate in 2013 when he staged the longest filibuster in recent Senate history, lasting nearly 13 hours.

According to a Gallup Poll taken two weeks after Paul's filibuster, 79 percent of Americans supported Paul's position that drone strikes should not be used on American soil against Americans suspected of terrorism, nor should they be used against suspected terrorists on American soil or against American citizens suspected of terrorism abroad.

Photo of drone: AP Images



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