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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL PROCEDURE - AERIAL PRIVACY PROTECTION ACT

Introduced By: Senators Kettle, and Hodgson

Date Introduced: February 26, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 5.3

4 AERIAL PRIVACY PROTECTION ACT

5 **12-5.3-1. Legislative findings.** – (a) The general assembly finds and declares the
6 following:

7 (1) The right to privacy is fundamental in a free and civilized society;

8 (2) Persons within the state of Rhode Island have a reasonable and justifiable expectation
9 of privacy and that they will not be monitored with unmanned aerial vehicles (UAVs) by law
10 enforcement agents of the state of Rhode Island without a warrant based on probable cause
11 having first issued;

12 (3) The potential benefit to law enforcement and criminal justice from the use of UAVs
13 without a warrant first issuing is far outweighed by the degradation to the fundamental right to
14 privacy secured by the Constitution of the United States and the Constitution of the state of
15 Rhode Island that will result from law enforcement's use of UAVs without first obtaining a
16 warrant;

17 (4) The use of UAVs by law enforcement without first obtaining a warrant is repugnant
18 to a free society.

19 **12-5.3-2. Unmanned Aerial Vehicle Restrictions.** – (a) A law enforcement agent of the

1 state of Rhode Island or its municipalities shall first obtain a warrant prior to utilizing a UAV for
2 any purpose whatsoever, including but not limited to, the monitoring, recording or otherwise
3 observing persons, places or things, and also including the interception of wire, electronic or oral
4 communications, within the airspace of the state of Rhode Island.

5 (b) The failure of a law enforcement agent to obtain a warrant as specified herein shall
6 constitute an unreasonable and actionable violation and invasion of privacy.

7 (c) Any information or evidence gathered by a UAV without a warrant, and any
8 information or evidence derived as a result of the use of a UAV without a warrant, is declared
9 inadmissible in any civil or criminal court of law in the state of Rhode Island.

10 **12-5.3-3. Definitions. – As used in this chapter:**

11 (1) “Unmanned Aerial Vehicle” (UAV) means any aircraft without a human pilot on
12 board.

13 (2) “Law enforcement agent of the state of Rhode Island or its municipalities” means any
14 officer, employee or agent of the state of Rhode Island, or any officer employee or agent of a
15 branch, department or agency of the state of Rhode Island or its municipalities, or any person or
16 entity acting under contract with the state of Rhode Island or its municipalities or any branch,
17 department or agency thereof, for the purpose of law enforcement.

18 **12-5.3-4. Issuance of warrant. – A warrant shall be issued by a duly authorized state**
19 magistrate or judge, or a federal magistrate or judge, using the procedures established by
20 applicable law. Any such warrant shall be based on probable cause established by oath or
21 affirmation, shall be obtained prior to the use of a UAV, and shall expire forty-eight (48) hours
22 after issuance.

23 **12-5.3-5. Construction and severability. – (a) This section shall be construed broadly to**
24 the effect the legislative intent of requiring a warrant prior to the use of UAVs within the state of
25 Rhode Island by law enforcement, and requiring a warrant in order for any information or
26 evidence obtained by a UAV, or as a result of the use of a UAV, to be admissible in a court of
27 law.

28 (b) Severability: If any provision, portion or subdivision of this chapter is or becomes
29 illegal, such illegality shall not affect the remainder of this chapter.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE - AERIAL PRIVACY PROTECTION ACT

1 This act would prohibit law enforcement from using Unmanned Aerial Vehicles without
2 a proper warrant.

3 This act would take effect upon passage.

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