

1 **H. B. 2948**

2
3 (By Delegates Skinner and Sponaugle)

4 [Introduced March 15, 2013; referred to the
5 Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-
12 3, §1-7-4, §1-7-5 and §1-7-6, all relating to creating the
13 Freedom From Unwarranted Surveillance Act; prohibiting the use
14 of drones; providing exceptions; providing remedies;
15 prohibiting the use of evidence; and defining terms.

16 *Be it enacted by the Legislature of West Virginia:*

17 That the Code of West Virginia, 1931, as amended, be amended
18 by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3,
19 §1-7-4, §1-7-5 and §1-7-6, all to read as follows:

20 **ARTICLE 7. FREEDOM FROM UNWARRANTED SURVEILLANCE ACT.**

21 **§1-7-1. Short title.**

22 This article may be cited as the "Freedom from Unwarranted
23 Surveillance Act."

1 **§1-7-2. Definitions.**

2 For purposes of this article, the following definitions apply:

3 "Drone" means a powered, aerial vehicle that:

4 (1) Does not carry a human operator;

5 (2) Uses aerodynamic forces to provide vehicle lift;

6 (3) Can fly autonomously or piloted remotely;

7 (4) Can be expendable or recoverable; and

8 (5) Can carry a lethal or nonlethal payload.

9 "Law-enforcement agency" means a lawfully established state or
10 local public agency that is responsible for the prevention and
11 detection of crime and the enforcement of penal, traffic,
12 regulatory, game or controlled substance laws.

13 **§1-7-3. Prohibited use of drones.**

14 A law-enforcement agency may not use a drone to gather
15 evidence or other information.

16 **§1-7-4. Exceptions.**

17 This article does not prohibit the use of a drone to counter
18 a high risk of a terrorist attack by a specific individual or
19 organization if the United States Secretary of Homeland Security
20 determines that credible intelligence indicates that there is such
21 a risk.

22 **§1-7-5. Remedies.**

23 An aggrieved party may initiate a civil action against a law-

1 enforcement agency to obtain all appropriate relief in order to
2 prevent or remedy a violation of this article.

3 **§1-7-6. Prohibition on use of evidence.**

4 Evidence obtained or collected in violation of this article is
5 not admissible as evidence in a criminal prosecution in any court
6 of law in this state.

NOTE: The purpose of the bill is to create the Freedom From Unwarranted Surveillance Act. The bill prohibits the use of drones and provides exceptions. The bill provides remedies. The bill prohibits the use of evidence in criminal proceedings. The bill defines terms.

This article is new; therefore, it has been completely underscored.