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112TH CONGRESS
2D SESSION

S. 3287

To protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2012

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preserving Freedom from Unwarranted Surveillance Act of 2012''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''drone'' means any powered, aerial vehicle that—

(A) does not carry a human operator;

(B) uses aerodynamic forces to provide vehicle lift;

(C) can fly autonomously or be piloted remotely;

(D) can be expendable or recoverable; and

(E) can carry a lethal or nonlethal payload; and

(2) the term ''law enforcement party'' means a person or entity authorized by law, or funded by the Government of the United States, to investigate or prosecute offenses against the United States.

SEC. 3. PROHIBITED USE OF DRONES.

Except as provided in section 4, a person or entity acting under the authority, or funded in whole or in part by, the Government of the United States shall not use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

SEC. 4. EXCEPTIONS.

This Act does not prohibit any of the following:

(1) PATROL OF BORDERS.—The use of a drone to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) EXIGENT CIRCUMSTANCES.—The use of a drone by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to life is necessary.

(3) HIGH RISK.—The use of a drone to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security determines credible intelligence indicates there is such a risk.

SEC. 5. REMEDIES FOR VIOLATION.

Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this Act.

SEC. 6. PROHIBITION ON USE OF EVIDENCE.

No evidence obtained or collected in violation of this Act may be admissible as evidence in a criminal prosecution in any court of law in the United States.

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