

113TH CONGRESS
1ST SESSION

S. 1057

To prohibit the use of unmanned aircraft systems by private persons to conduct surveillance of other private persons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

A BILL

To prohibit the use of unmanned aircraft systems by private persons to conduct surveillance of other private persons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Privacy
5 and Fostering Aerospace Innovation Act of 2013”.

6 **SEC. 2. PROTECTION OF PRIVACY FROM SURVEILLANCE BY**
7 **CIVIL UNMANNED AIRCRAFT SYSTEMS.**

8 (a) IN GENERAL.—Part I of title 18, United States
9 Code, is amended by inserting after chapter 13 the fol-
10 lowing:

1 **“CHAPTER 14—CIVIL UNMANNED**
 2 **AIRCRAFT SYSTEMS**

“Sec.

“261. Definitions.

“262. Prohibition on surveillance using civil unmanned aircraft systems.

“263. Identification of civil unmanned aircraft systems.

3 **“§ 261. Definitions**

4 “In this chapter—

5 “(1) the term ‘civil unmanned aircraft system’
 6 means an unmanned aircraft system that is not a
 7 public unmanned aircraft system;

8 “(2) the term ‘governmental entity’ means—

9 “(A) an agency (as defined in section 551
 10 of title 5);

11 “(B) an agency of a State; and

12 “(C) an agency of a unit of local govern-
 13 ment of a State;

14 “(3) the term ‘public unmanned aircraft sys-
 15 tem’ has the meaning given the term in section 331
 16 of the FAA Modernization and Reform Act of 2012
 17 (49 U.S.C. 40101 note);

18 “(4) the term ‘State’ means each of the 50
 19 States, the District of Columbia, the Commonwealth
 20 of Puerto Rico, the United States Virgin Islands,
 21 Guam, American Samoa, and the Northern Mariana
 22 Islands;

1 “(5) the term ‘surveillance’ means observation
 2 of the activities of a person for the purpose of view-
 3 ing, recording, or monitoring that person; and

4 “(6) the term ‘unmanned aircraft system’—

5 “(A) has the meaning given the term in
 6 section 331 of the FAA Modernization and Re-
 7 form Act of 2012 (49 U.S.C. 40101 note); and

8 “(B) does not include—

9 “(i) an unmanned aircraft system
 10 used in mapping or resource management;

11 or

12 “(ii) a model flying airplane that is
 13 used only for sport or recreational pur-
 14 poses.

15 **“§ 262. Prohibition on surveillance using civil un-**
 16 **manned aircraft systems**

17 “(a) PROHIBITION.—

18 “(1) IN GENERAL.—It shall be unlawful for any
 19 person to use a civil unmanned aircraft system to
 20 willfully conduct surveillance of another person (re-
 21 ferred to in this subsection as a ‘targeted person’).

22 “(2) EXCEPTIONS.—Paragraph (1) shall not
 23 apply to the use of a civil unmanned aircraft system
 24 to conduct surveillance of a targeted person—

1 “(A) if the person conducting the surveil-
 2 lance obtains the prior express written consent
 3 of the targeted person;

4 “(B) in an emergency situation in which
 5 the life of an individual is threatened; or

6 “(C) if the targeted person is in a place of
 7 public use (as defined in section 2332f(e))
 8 where surveillance would not be highly offensive
 9 to a reasonable person.

10 “(b) PENALTIES.—Any person who violates sub-
 11 section (a)—

12 “(1) shall be fined not more than \$10,000; and

13 “(2) in the case of a second or subsequent vio-
 14 lation, shall be fined not more than \$15,000.

15 “(c) ENFORCEMENT.—Any aggrieved party may in a
 16 civil action obtain all appropriate relief to prevent or rem-
 17 edy a violation of subsection (a).

18 **“§ 263. Identification of civil unmanned aircraft sys-**
 19 **tems**

20 “The owner of a civil unmanned aircraft system shall
 21 clearly mark the civil unmanned aircraft system with the
 22 name, address, and telephone number of the owner.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of chapters for part I of title 18, United States

1 Code, is amended by inserting after the item relating to
2 chapter 13 the following:

“14. Civil unmanned aircraft systems 261”.

3 **SEC. 3. SEVERABILITY.**

4 If any provision of this Act, an amendment made by
5 this Act, or the application of such provision or amend-
6 ment to any person or circumstance is held to be unconsti-
7 tutional, the remainder of this Act, the amendments made
8 by this Act, and the application of the provisions of such
9 to any person or circumstance shall not be affected there-
10 by.

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