

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 15**

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**Introduced by Senator Padilla**  
*(Coauthor: Senator Jackson)*

December 3, 2012

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An act to amend Section 1708.8 of the Civil Code, and to amend Sections 632 ~~and~~, 647, *and* 1525 of, and to add Title 14 (commencing with Section 14350) to Part 4 of, the Penal Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 15, as amended, Padilla. Aviation: unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person is subject to civil liability for constructive invasion of privacy when the person attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person engaged in a personal or familial activity under circumstances involving a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, as specified.

Existing law makes it a crime for a person, intentionally, and without requisite consent, to eavesdrop on a confidential communication by means of any electronic amplifying or recording device.

Existing law makes it a crime for a person to look through a hole or opening or otherwise view, by means of any instrumentality, the interior of bedrooms, bathrooms, and various other areas in which an occupant has a reasonable expectation of privacy, with the intent to invade the privacy of one or more persons inside. Existing law makes it a crime for a person to use a concealed camcorder, motion picture camera, or photographic camera to secretly videotape, film, photograph, or record by electronic means, without consent, another identifiable person, under or through the clothing being worn by that person or if that person may be in a state of full or partial undress, under circumstances when that person has a reasonable expectation of privacy and when there is an intent to invade the privacy of that person, as specified.

This bill would, under the above-referenced civil and criminal provisions, provide that engaging in the prohibited activities with devices or instrumentalities affixed to or contained within an unmanned aircraft system is included within the prohibitions. With respect to the criminal provisions, the bill would impose a state-mandated local program by changing the definition of a crime.

This bill would also provide that an unmanned aircraft system may not be equipped with a weapon.

This bill would define “unmanned aircraft system” for all of these purposes.

*Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing or things, and the place to be searched.*

*This bill would additionally require that an application for a search warrant specify if an unmanned aircraft system, as defined, will be used in the execution of the search warrant, and the intended purpose for which the unmanned aircraft system will be used.*

This bill would also state the intent of the Legislature to enact legislation that would establish appropriate standards for the use of unmanned aircraft systems.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Recent developments and innovations have allowed computer  
4 technology to advance to the point where vehicles, including  
5 aircraft, can operate without the need of an on-board operator.

6 (b) On February 14, 2012, President Obama signed into law the  
7 Federal Aviation Administration Modernization and Reform Act  
8 of 2012, which, among other things, requires the Federal Aviation  
9 Administration to fully integrate government, commercial, and  
10 recreational unmanned aircraft systems, commonly known as  
11 “drones,” into United States airspace before October 2015.

12 (c) While privately and publicly operated unmanned aircraft  
13 systems can have a legitimate role in areas such as agriculture,  
14 scientific research, and public safety, these systems present new  
15 challenges to the privacy and due process rights of Californians.

16 (d) Both public and private operators of unmanned aircraft  
17 systems have a responsibility to not infringe on the rights, property,  
18 or privacy of the citizens of California, and any data, information,  
19 photographs, video, or recordings of individuals, both public and  
20 private, should be minimized and retained in a manner consistent  
21 with current privacy standards.

22 (e) It is the intent of the Legislature to enact legislation that  
23 would establish appropriate standards for the use of unmanned  
24 aircraft systems in California.

25 SEC. 2. Section 1708.8 of the Civil Code is amended to read:

26 1708.8. (a) A person is liable for physical invasion of privacy  
27 when the defendant knowingly enters onto the land of another  
28 person without permission or otherwise committed a trespass in  
29 order to physically invade the privacy of the plaintiff with the  
30 intent to capture any type of visual image, sound recording, or  
31 other physical impression of the plaintiff engaging in a personal  
32 or familial activity and the physical invasion occurs in a manner  
33 that is offensive to a reasonable person.

1 (b) A person is liable for constructive invasion of privacy when  
2 the defendant attempts to capture, in a manner that is offensive to  
3 a reasonable person, any type of visual image, sound recording,  
4 or other physical impression of the plaintiff engaging in a personal  
5 or familial activity under circumstances in which the plaintiff had  
6 a reasonable expectation of privacy, through the use of a visual or  
7 auditory enhancing device, including a device affixed to or  
8 contained within an unmanned aircraft system as defined in Section  
9 14350 of the Penal Code, regardless of whether there is a physical  
10 trespass, if this image, sound recording, or other physical  
11 impression could not have been achieved without a trespass unless  
12 the visual or auditory enhancing device was used.

13 (c) An assault or false imprisonment committed with the intent  
14 to capture any type of visual image, sound recording, or other  
15 physical impression of the plaintiff is subject to subdivisions (d),  
16 (e), and (h).

17 (d) A person who commits any act described in subdivision (a),  
18 (b), or (c) is liable for up to three times the amount of any general  
19 and special damages that are proximately caused by the violation  
20 of this section. This person may also be liable for punitive damages,  
21 subject to proof according to Section 3294. If the plaintiff proves  
22 that the invasion of privacy was committed for a commercial  
23 purpose, the defendant shall also be subject to disgorgement to the  
24 plaintiff of any proceeds or other consideration obtained as a result  
25 of the violation of this section. A person who comes within the  
26 description of this subdivision is also subject to a civil fine of not  
27 less than five thousand dollars (\$5,000) and not more than fifty  
28 thousand dollars (\$50,000).

29 (e) A person who directs, solicits, actually induces, or actually  
30 causes another person, regardless of whether there is an  
31 employer-employee relationship, to violate any provision of  
32 subdivision (a), (b), or (c) is liable for any general, special, and  
33 consequential damages resulting from each violation. In addition,  
34 the person that directs, solicits, actually induces, or actually causes  
35 another person, regardless of whether there is an  
36 employer-employee relationship, to violate this section shall be  
37 liable for punitive damages to the extent that an employer would  
38 be subject to punitive damages pursuant to subdivision (b) of  
39 Section 3294. A person who comes within the description of this  
40 subdivision is also subject to a civil fine of not less than five

1 thousand dollars (\$5,000) and not more than fifty thousand dollars  
2 (\$50,000).

3 (f) (1) The transmission, publication, broadcast, sale, offer for  
4 sale, or other use of any visual image, sound recording, or other  
5 physical impression that was taken or captured in violation of  
6 subdivision (a), (b), or (c) shall not constitute a violation of this  
7 section unless the person, in the first transaction following the  
8 taking or capture of the visual image, sound recording, or other  
9 physical impression, publicly transmitted, published, broadcast,  
10 sold or offered for sale, the visual image, sound recording, or other  
11 physical impression with actual knowledge that it was taken or  
12 captured in violation of subdivision (a), (b), or (c), and was  
13 provided compensation, consideration, or remuneration, monetary  
14 or otherwise, for the rights to the unlawfully obtained visual image,  
15 sound recording, or other physical impression.

16 (2) For the purposes of paragraph (1), “actual knowledge” means  
17 actual awareness, understanding, and recognition, obtained prior  
18 to the time at which the person purchased or acquired the visual  
19 image, sound recording, or other physical impression, that the  
20 visual image, sound recording, or other physical impression was  
21 taken or captured in violation of subdivision (a), (b), or (c). The  
22 plaintiff shall establish actual knowledge by clear and convincing  
23 evidence.

24 (3) Any person that publicly transmits, publishes, broadcasts,  
25 sells or offers for sale, in any form, medium, format or work, a  
26 visual image, sound recording, or other physical impression that  
27 was previously publicly transmitted, published, broadcast, sold or  
28 offered for sale, by another person, is exempt from liability under  
29 this section.

30 (4) If a person’s first public transmission, publication, broadcast,  
31 or sale or offer for sale, of a visual image, sound recording, or  
32 other physical impression that was taken or captured in violation  
33 of subdivision (a), (b), or (c), does not constitute a violation of this  
34 section, that person’s subsequent public transmission, publication,  
35 broadcast, sale or offer for sale, in any form, medium, format or  
36 work, of the visual image, sound recording, or other physical  
37 impression, does not constitute a violation of this section.

38 (5) This section applies only to a visual image, sound recording,  
39 or other physical impression that is captured or taken in California  
40 in violation of subdivision (a), (b), or (c) after January 1, 2010,

1 and shall not apply to any visual image, sound recording, or other  
2 physical impression taken or captured outside of California.

3 (6) Nothing in this subdivision shall be construed to impair or  
4 limit a special motion to strike pursuant to Section 425.16, 425.17,  
5 or 425.18 of the Code of Civil Procedure.

6 (7) This section shall not be construed to limit any other cause  
7 of action, right, or remedy of the plaintiff in law or equity,  
8 including, but not limited to, the publication of private facts.

9 (g) This section shall not be construed to impair or limit any  
10 otherwise lawful activities of law enforcement personnel or  
11 employees of governmental agencies or other entities, either public  
12 or private who, in the course and scope of their employment, and  
13 supported by an articulable suspicion, attempt to capture any type  
14 of visual image, sound recording, or other physical impression of  
15 a person during an investigation, surveillance, or monitoring of  
16 any conduct to obtain evidence of suspected illegal activity or  
17 other misconduct, the suspected violation of any administrative  
18 rule or regulation, a suspected fraudulent conduct, or any activity  
19 involving a violation of law or business practices or conduct of  
20 public officials adversely affecting the public welfare, health, or  
21 safety.

22 (h) In any action pursuant to this section, the court may grant  
23 equitable relief, including, but not limited to, an injunction and  
24 restraining order against further violations of subdivision (a), (b),  
25 or (c).

26 (i) The rights and remedies provided in this section are  
27 cumulative and in addition to any other rights and remedies  
28 provided by law.

29 (j) It is not a defense to a violation of this section that no image,  
30 recording, or physical impression was captured or sold.

31 (k) For the purposes of this section, “for a commercial purpose”  
32 means any act done with the expectation of a sale, financial gain,  
33 or other consideration. A visual image, sound recording, or other  
34 physical impression shall not be found to have been, or intended  
35 to have been, captured for a commercial purpose unless it is  
36 intended to be, or was in fact, sold, published, or transmitted.

37 (l) For the purposes of this section, “personal and familial  
38 activity” includes, but is not limited to, intimate details of the  
39 plaintiff’s personal life, interactions with the plaintiff’s family or  
40 significant others, or other aspects of the plaintiff’s private affairs

1 or concerns. “Personal and familial activity” does not include  
2 illegal or otherwise criminal activity as delineated in subdivision  
3 (g). However, “personal and familial activity” shall include the  
4 activities of victims of crime in circumstances under which  
5 subdivision (a), (b), or (c) would apply.

6 (m) (1) A proceeding to recover the civil fines specified in  
7 subdivision (d) or (e) may be brought in any court of competent  
8 jurisdiction by a county counsel or city attorney.

9 (2) Fines collected pursuant to this subdivision shall be allocated,  
10 as follows:

11 (A) One-half shall be allocated to the prosecuting agency.

12 (B) One-half shall be deposited in the Arts and Entertainment  
13 Fund, which is hereby created in the State Treasury.

14 (3) Funds in the Arts and Entertainment Fund created pursuant  
15 to paragraph (2) may be expended by the California Arts Council,  
16 upon appropriation by the Legislature, to issue grants pursuant to  
17 the Dixon-Zenovich-Maddy California Arts Act of 1975 (Chapter  
18 9 (commencing with Section 8750) of Division 1 of Title 2 of the  
19 Government Code).

20 (4) The rights and remedies provided in this subdivision are  
21 cumulative and in addition to any other rights and remedies  
22 provided by law.

23 (n) The provisions of this section are severable. If any provision  
24 of this section or its application is held invalid, that invalidity shall  
25 not affect other provisions or applications that can be given effect  
26 without the invalid provision or application.

27 SEC. 3. Section 632 of the Penal Code is amended to read:

28 632. (a) Every person who, intentionally and without the  
29 consent of all parties to a confidential communication, by means  
30 of any electronic amplifying or recording device, including a device  
31 affixed to or contained within an unmanned aircraft system as  
32 defined in Section 14350, eavesdrops upon or records the  
33 confidential communication, whether the communication is carried  
34 on among the parties in the presence of one another or by means  
35 of a telegraph, telephone, or other device, except a radio, shall be  
36 punished by a fine not exceeding two thousand five hundred dollars  
37 (\$2,500), or imprisonment in ~~the~~ a county jail not exceeding one  
38 year, or in the state prison, or by both that fine and imprisonment.  
39 If the person has previously been convicted of a violation of this  
40 section or Section 631, 632.5, 632.6, 632.7, or 636, the person

1 shall be punished by a fine not exceeding ten thousand dollars  
2 (\$10,000), by imprisonment in ~~the~~ a county jail not exceeding one  
3 year, or in the state prison, or by both that fine and imprisonment.

4 (b) The term “person” includes an individual, business  
5 association, partnership, corporation, limited liability company,  
6 or other legal entity, and an individual acting or purporting to act  
7 for or on behalf of any government or subdivision thereof, whether  
8 federal, state, or local, but excludes an individual known by all  
9 parties to a confidential communication to be overhearing or  
10 recording the communication.

11 (c) The term “confidential communication” includes any  
12 communication carried on in circumstances as may reasonably  
13 indicate that any party to the communication desires it to be  
14 confined to the parties thereto, but excludes a communication made  
15 in a public gathering or in any legislative, judicial, executive or  
16 administrative proceeding open to the public, or in any other  
17 circumstance in which the parties to the communication may  
18 reasonably expect that the communication may be overheard or  
19 recorded.

20 (d) Except as proof in an action or prosecution for violation of  
21 this section, no evidence obtained as a result of eavesdropping  
22 upon or recording a confidential communication in violation of  
23 this section shall be admissible in any judicial, administrative,  
24 legislative, or other proceeding.

25 (e) This section does not apply (1) to any public utility engaged  
26 in the business of providing communications services and facilities,  
27 or to the officers, employees or agents thereof, where the acts  
28 otherwise prohibited by this section are for the purpose of  
29 construction, maintenance, conduct or operation of the services  
30 and facilities of the public utility, or (2) to the use of any  
31 instrument, equipment, facility, or service furnished and used  
32 pursuant to the tariffs of a public utility, or (3) to any telephonic  
33 communication system used for communication exclusively within  
34 a state, county, city and county, or city correctional facility.

35 (f) This section does not apply to the use of hearing aids and  
36 similar devices, by persons afflicted with impaired hearing, for  
37 the purpose of overcoming the impairment to permit the hearing  
38 of sounds ordinarily audible to the human ear.

39 SEC. 4. Section 647 of the Penal Code is amended to read:



1 647. Except as provided in subdivision (l), every person who  
2 commits any of the following acts is guilty of disorderly conduct,  
3 a misdemeanor:

4 (a) Who solicits anyone to engage in or who engages in lewd  
5 or dissolute conduct in any public place or in any place open to  
6 the public or exposed to public view.

7 (b) Who solicits or who agrees to engage in or who engages in  
8 any act of prostitution. A person agrees to engage in an act of  
9 prostitution when, with specific intent to so engage, he or she  
10 manifests an acceptance of an offer or solicitation to so engage,  
11 regardless of whether the offer or solicitation was made by a person  
12 who also possessed the specific intent to engage in prostitution.  
13 No agreement to engage in an act of prostitution shall constitute  
14 a violation of this subdivision unless some act, in addition to the  
15 agreement, is done within this state in furtherance of the  
16 commission of an act of prostitution by the person agreeing to  
17 engage in that act. As used in this subdivision, “prostitution”  
18 includes any lewd act between persons for money or other  
19 consideration.

20 (c) Who accosts other persons in any public place or in any  
21 place open to the public for the purpose of begging or soliciting  
22 alms.

23 (d) Who loiters in or about any toilet open to the public for the  
24 purpose of engaging in or soliciting any lewd or lascivious or any  
25 unlawful act.

26 (e) Who lodges in any building, structure, vehicle, or place,  
27 whether public or private, without the permission of the owner or  
28 person entitled to the possession or in control of it.

29 (f) Who is found in any public place under the influence of  
30 intoxicating liquor, any drug, controlled substance, toluene, or any  
31 combination of any intoxicating liquor, drug, controlled substance,  
32 or toluene, in a condition that he or she is unable to exercise care  
33 for his or her own safety or the safety of others, or by reason of  
34 his or her being under the influence of intoxicating liquor, any  
35 drug, controlled substance, toluene, or any combination of any  
36 intoxicating liquor, drug, or toluene, interferes with or obstructs  
37 or prevents the free use of any street, sidewalk, or other public  
38 way.

39 (g) When a person has violated subdivision (f), a peace officer,  
40 if he or she is reasonably able to do so, shall place the person, or

1 cause him or her to be placed, in civil protective custody. The  
2 person shall be taken to a facility, designated pursuant to Section  
3 5170 of the Welfare and Institutions Code, for the 72-hour  
4 treatment and evaluation of inebriates. A peace officer may place  
5 a person in civil protective custody with that kind and degree of  
6 force which would be lawful were he or she effecting an arrest for  
7 a misdemeanor without a warrant. No person who has been placed  
8 in civil protective custody shall thereafter be subject to any criminal  
9 prosecution or juvenile court proceeding based on the facts giving  
10 rise to this placement. This subdivision shall not apply to the  
11 following persons:

12 (1) Any person who is under the influence of any drug, or under  
13 the combined influence of intoxicating liquor and any drug.

14 (2) Any person who a peace officer has probable cause to believe  
15 has committed any felony, or who has committed any misdemeanor  
16 in addition to subdivision (f).

17 (3) Any person who a peace officer in good faith believes will  
18 attempt escape or will be unreasonably difficult for medical  
19 personnel to control.

20 (h) Who loiters, prowls, or wanders upon the private property  
21 of another, at any time, without visible or lawful business with the  
22 owner or occupant. As used in this subdivision, “loiter” means to  
23 delay or linger without a lawful purpose for being on the property  
24 and for the purpose of committing a crime as opportunity may be  
25 discovered.

26 (i) Who, while loitering, prowling, or wandering upon the private  
27 property of another, at any time, peeks in the door or window of  
28 any inhabited building or structure, without visible or lawful  
29 business with the owner or occupant.

30 (j) (1) Any person who looks through a hole or opening, into,  
31 or otherwise views, by means of any instrumentality, including,  
32 but not limited to, a periscope, telescope, binoculars, camera,  
33 motion picture camera, camcorder, or mobile phone, or by means  
34 of any of these instrumentalities affixed to or contained within an  
35 unmanned aircraft system as defined in Section 14350, the interior  
36 of a bedroom, bathroom, changing room, fitting room, dressing  
37 room, or tanning booth, or the interior of any other area in which  
38 the occupant has a reasonable expectation of privacy, with the  
39 intent to invade the privacy of a person or persons inside. This

1 subdivision shall not apply to those areas of a private business  
2 used to count currency or other negotiable instruments.

3 (2) Any person who uses a concealed camcorder, motion picture  
4 camera, or photographic camera of any type, including any of those  
5 devices when affixed to or contained within an unmanned aircraft  
6 system, to secretly videotape, film, photograph, or record by  
7 electronic means, another, identifiable person under or through  
8 the clothing being worn by that other person, for the purpose of  
9 viewing the body of, or the undergarments worn by, that other  
10 person, without the consent or knowledge of that other person,  
11 with the intent to arouse, appeal to, or gratify the lust, passions,  
12 or sexual desires of that person and invade the privacy of that other  
13 person, under circumstances in which the other person has a  
14 reasonable expectation of privacy.

15 (3) (A) Any person who uses a concealed camcorder, motion  
16 picture camera, or photographic camera of any type, including any  
17 of those devices when affixed to or contained within an unmanned  
18 aircraft system, to secretly videotape, film, photograph, or record  
19 by electronic means, another, identifiable person who may be in  
20 a state of full or partial undress, for the purpose of viewing the  
21 body of, or the undergarments worn by, that other person, without  
22 the consent or knowledge of that other person, in the interior of a  
23 bedroom, bathroom, changing room, fitting room, dressing room,  
24 or tanning booth, or the interior of any other area in which that  
25 other person has a reasonable expectation of privacy, with the  
26 intent to invade the privacy of that other person.

27 (B) Neither of the following is a defense to the crime specified  
28 in this paragraph:

29 (i) The defendant was a cohabitant, landlord, tenant, cotenant,  
30 employer, employee, or business partner or associate of the victim,  
31 or an agent of any of these.

32 (ii) The victim was not in a state of full or partial undress.

33 (k) In any accusatory pleading charging a violation of  
34 subdivision (b), if the defendant has been once previously convicted  
35 of a violation of that subdivision, the previous conviction shall be  
36 charged in the accusatory pleading. If the previous conviction is  
37 found to be true by the jury, upon a jury trial, or by the court, upon  
38 a court trial, or is admitted by the defendant, the defendant shall  
39 be imprisoned in a county jail for a period of not less than 45 days  
40 and shall not be eligible for release upon completion of sentence,

1 on probation, on parole, on work furlough or work release, or on  
2 any other basis until he or she has served a period of not less than  
3 45 days in a county jail. In all cases in which probation is granted,  
4 the court shall require as a condition thereof that the person be  
5 confined in a county jail for at least 45 days. In no event does the  
6 court have the power to absolve a person who violates this  
7 subdivision from the obligation of spending at least 45 days in  
8 confinement in a county jail.

9 In any accusatory pleading charging a violation of subdivision  
10 (b), if the defendant has been previously convicted two or more  
11 times of a violation of that subdivision, each of these previous  
12 convictions shall be charged in the accusatory pleading. If two or  
13 more of these previous convictions are found to be true by the jury,  
14 upon a jury trial, or by the court, upon a court trial, or are admitted  
15 by the defendant, the defendant shall be imprisoned in a county  
16 jail for a period of not less than 90 days and shall not be eligible  
17 for release upon completion of sentence, on probation, on parole,  
18 on work furlough or work release, or on any other basis until he  
19 or she has served a period of not less than 90 days in a county jail.  
20 In all cases in which probation is granted, the court shall require  
21 as a condition thereof that the person be confined in a county jail  
22 for at least 90 days. In no event does the court have the power to  
23 absolve a person who violates this subdivision from the obligation  
24 of spending at least 90 days in confinement in a county jail.

25 In addition to any punishment prescribed by this section, a court  
26 may suspend, for not more than 30 days, the privilege of the person  
27 to operate a motor vehicle pursuant to Section 13201.5 of the  
28 Vehicle Code for any violation of subdivision (b) that was  
29 committed within 1,000 feet of a private residence and with the  
30 use of a vehicle. In lieu of the suspension, the court may order a  
31 person's privilege to operate a motor vehicle restricted, for not  
32 more than six months, to necessary travel to and from the person's  
33 place of employment or education. If driving a motor vehicle is  
34 necessary to perform the duties of the person's employment, the  
35 court may also allow the person to drive in that person's scope of  
36 employment.

37 (l) (1) A second or subsequent violation of subdivision (j) is  
38 punishable by imprisonment in a county jail not exceeding one  
39 year, or by a fine not exceeding two thousand dollars (\$2,000), or  
40 by both that fine and imprisonment.

1 (2) If the victim of a violation of subdivision (j) was a minor at  
2 the time of the offense, the violation is punishable by imprisonment  
3 in a county jail not exceeding one year, or by a fine not exceeding  
4 two thousand dollars (\$2,000), or by both that fine and  
5 imprisonment.

6 *SEC. 5. Section 1525 of the Penal Code is amended to read:*

7 1525. (a) A search warrant cannot be issued but upon probable  
8 cause, supported by affidavit, naming or describing the person to  
9 be searched or searched for, and particularly describing the  
10 property, ~~thing~~, *thing* or things, and the place to be searched.

11 ~~The~~

12 (b) *The* application shall specify, when applicable, that the place  
13 to be searched is in the possession or under the control of an  
14 attorney, physician, psychotherapist, or clergyman.

15 (c) *The application shall specify if an unmanned aircraft system,*  
16 *as defined in Section 14350, will be used in the execution of the*  
17 *search warrant, and the intended purpose for which the unmanned*  
18 *aircraft system will be used.*

19 ~~SEC. 5.~~

20 *SEC. 6.* Title 14 (commencing with Section 14350) is added  
21 to Part 4 of the Penal Code, to read:

22

23 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

24

25 14350. “Unmanned aircraft system” means unmanned aircraft  
26 and associated elements, including communication links and the  
27 components that control the unmanned aircraft, that are required  
28 for the pilot in command to operate the unmanned aircraft safely  
29 and efficiently within the national airspace system.

30 14351. An unmanned aircraft system may not be equipped  
31 with a weapon.

32 14352. (a) *A law enforcement agency shall obtain a warrant*  
33 *when using an unmanned aircraft system under circumstances*  
34 *where a warrant is required.*

35 (b) *A warrant is not required for the use of an unmanned aircraft*  
36 *system under circumstances where there is an exception to the*  
37 *warrant requirement, or under exigent circumstances.*

38 ~~SEC. 6.~~

39 *SEC. 7.* No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

O