**South Carolina General Assembly**

120th Session, 2013-2014

**S. 395**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Bryant, Bright, S. Martin and Verdin

Document Path: l:\s-res\td\002dron.hm.td.docx

Companion/Similar bill(s): 3415, 3514

Introduced in the Senate on February 19, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Aerial vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2013 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2013\02-19-13.docx))

2/19/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2013\02-19-13.docx))

**VERSIONS OF THIS BILL**

[2/19/2013](file:///p:\pprever\2013-14\395_20130219.docx)

**A** **BILL**

TO AMEND TITLE 6 OF THE 1976 CODE, BY ADDING CHAPTER 39 TO PROHIBIT ANY STATE AGENCY, GOVERNMENTAL ENTITY, OR POLITICAL SUBDIVISION, INCLUDING ANY LAW ENFORCEMENT AGENCY, TO UTILIZE, CONTRACT FOR, OR OTHERWISE OBTAIN ANY SERVICES FROM AN UNMANNED AERIAL VEHICLE CONTAINING AN ANTIPERSONNEL DEVICE, AND TO PROVIDE THAT NO STATE AGENCY, GOVERNMENTAL ENTITY, OR POLITICAL SUBDIVISION, INCLUDING ANY LAW ENFORCEMENT AGENCY, MAY CONDUCT GENERAL SURVEILLANCE OR CONDUCT SURVEILLANCE OF A TARGETED PERSON OR LOCATION UTILIZING AN UNMANNED AERIAL VEHICLE OR RELATED DEVICE WITHOUT OBTAINING A SEARCH WARRANT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 6 of the 1976 Code is amended by adding:

“CHAPTER 39

Section 6‑39‑10. For the purposes of this chapter:

(1) ‘Antipersonnel device’ means any projectile, chemical, electrical, directed‑energy, or other device designed to harm, incapacitate, or otherwise negatively impact a person.

(2) ‘Surveillance’ means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

(3) ‘Unmanned aerial vehicle’ means any device that has the capability of powered or unpowered flight or hovering without a person on board, regardless of altitude, with or without a tether connecting it to the ground or another object.

Section 6‑39‑20. No state agency, governmental entity, or political subdivision, including any law enforcement agency, may own, utilize, contract for, or otherwise obtain any services from an unmanned aerial vehicle containing an antipersonnel device.

Section 6‑39‑30. (A) No state agency, governmental entity, or political subdivision, including any law enforcement agency, may conduct general surveillance or conduct surveillance of a targeted person or location utilizing an unmanned aerial vehicle.

(B) An unmanned aerial vehicle may be used only to conduct a search or perform surveillance that is made pursuant to the authority of a search warrant. A search warrant may be issued upon an affidavit based on probable cause, and must:

(1) contain a statement setting forth the sources of information and the facts and grounds of belief upon which the affiant bases his belief;

(2) identify the property and name or describe the person or location to be searched or monitored;

(3) state with specificity all surveillance and monitoring activities and reasons the affiant believes the planned surveillance will detect evidence of criminal activity by a targeted person or at a targeted location.

(C) No state agency, governmental entity, or political subdivision, including any law enforcement agency, may acquire information or perform surveillance through the use of an unmanned aerial vehicle containing a sensing device that is capable of acquiring data from its surroundings, including, but not limited to, a camera, microphone, thermal detector, chemical detector, radiation gauge, or wireless receiver, unless the state agency, governmental entity, or political subdivision, including any law enforcement agency, complies with the provisions of subsection (B).”

SECTION 2. This act takes effect upon approval by the Governor.

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