**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “FREEDOM FROM UNWARRANTED SURVEILLANCE ACT” BY ADDING SECTION 17‑13‑180 SO AS TO DEFINE NECESSARY TERMS, TO PROHIBIT THE USE OF DRONES BY A LAW ENFORCEMENT AGENCY TO GATHER EVIDENCE OR OTHER INFORMATION WITHOUT A SEARCH WARRANT, TO PROVIDE EXCEPTIONS TO THE PROHIBITION, TO ALLOW AN AGGRIEVED PARTY TO BRING A CIVIL ACTION AGAINST A LAW ENFORCEMENT AGENCY FOR A VIOLATION, AND TO PROVIDE EVIDENCE OR INFORMATION OBTAINED IN VIOLATION OF THE STATUTE CANNOT BE USED IN A CRIMINAL PROSECUTION IN THIS STATE.

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

SECTION 1. This act may be cited as the “Freedom from Unwarranted Surveillance Act”.

SECTION 2. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑180. (A) As used in this section, the term:

(1) ‘Drone’ means a 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.

(2) ‘Law enforcement agency’ means a lawfully established federal, state, or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory, game, immigration, postal, customs, or controlled substance laws.

(B) A law enforcement agency may not use a drone, or other substantially similar device, to gather evidence or other information in this State without a legally issued search warrant pursuant to the provisions of this chapter or another provision of law. However, the provisions of this section do not prohibit the use of a drone:

(1) to counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk;

(2) if the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone; or

(3) if the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence.

(C) An aggrieved party may bring a civil action against a law enforcement agency to obtain appropriate relief in order to prevent or remedy a violation of this section.

(D) Evidence obtained or collected in violation of the provisions of this section is not admissible as evidence in a criminal prosecution in a court of law in this State.”

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

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