

6412

I N S E N A T E

January 22, 2014

Introduced by Sen. DILAN -- read twice and ordered printed, and when
printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to protecting
against unwarranted surveillance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The criminal procedure law is amended by adding a new
2 section 700.16 to read as follows:
3 S 700.16 PROTECTION AGAINST UNWARRANTED SURVEILLANCE.
4 1. NO PERSON OR ENTITY ACTING UNDER COLOR OF THE AUTHORITY OF ANY
5 STATE, COUNTY, MUNICIPAL OR LOCAL GOVERNMENTAL ENTITY OR AUTHORITY, OR
6 ACTING ON BEHALF OF ANY SUCH ENTITY OR AUTHORITY, SHALL USE, OPERATE,
7 ENGAGE OR EMPLOY AN UNMANNED AERIAL VEHICLE AS DEFINED IN THIS SECTION
8 TO GATHER EVIDENCE OR OTHER INFORMATION RELATED TO A CRIMINAL INVESTI-
9 GATION, CRIMINAL CASE, OR CONDUCT IN VIOLATION OF REGULATION EXCEPT WHEN
10 AUTHORIZED UNDER A WARRANT ISSUED BY A COURT OF RECORD OR JUSTIFIED BY
11 LAWFUL EXCEPTION TO THE WARRANT REQUIREMENT.
12 2. THE TERM "UNMANNED AERIAL VEHICLE" MEANS ANY POWERED, AERIAL VEHI-
13 CLE THAT DOES NOT CARRY A HUMAN OPERATOR WITHIN OR ON THE AIRCRAFT AND
14 IS EITHER AUTONOMOUS OR REMOTELY PILOTED.
15 3. ANY EVIDENCE OR OTHER INFORMATION OBTAINED IN THIS MANNER IN
16 CONTRAVENTION OF THIS SECTION SHALL BE DEEMED INADMISSIBLE IN ANY CRIMI-
17 NAL ACTION AGAINST AN INJURED PERSON. ANY PERSON AGGRIEVED BY SUCH AN
18 INTRUSION MAY SEEK CIVIL AND EQUITABLE RELIEF FOR A VIOLATION OF THIS
19 SECTION.
20 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD09723-03-3