

1 SB306
2 199118-1
3 By Senator Allen
4 RFD: Transportation and Energy
5 First Read: 16-APR-19

2
3
4
5
6
7
8 SYNOPSIS: Existing law prohibits criminal
9 surveillance, which is committed when a person
10 intentionally engages in surveillance while
11 trespassing in a private place

12 This bill would further provide for that
13 crime by prohibiting the use of an unmanned
14 aircraft system to take photographs, video, or
15 audio of another, without that individual's
16 consent, in a manner that would invade that
17 individual's reasonable expectation of privacy.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Sections 13A-11-30 and 13A-11-32, Code of
17 Alabama 1975, relating to offenses against privacy; to provide
18 further for the crime of criminal surveillance; and in
19 connection therewith would have as its purpose or effect the
20 requirement of a new or increased expenditure of local funds
21 within the meaning of Amendment 621 of the Constitution of
22 Alabama of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 13A-11-30 and 13A-11-32, Code of
27 Alabama 1975, are amended to read as follows:

1 "§13A-11-30.

2 "The following definitions apply to this article:

3 "(1) EAVESDROP. To overhear, record, amplify, or
4 transmit any part of the private communication of others
5 without the consent of at least one of the persons engaged in
6 the communication, except as otherwise provided by law.

7 "(2) PRIVATE PLACE. A place where one may reasonably
8 expect to be safe from casual or hostile intrusion or
9 surveillance, but such term does not include a place to which
10 the public or a substantial group of the public has access.

11 "(3) SURVEILLANCE. Secret observation of the
12 activities of another person for the purpose of spying upon
13 and invading the privacy of the person observed.

14 "(4) UNMANNED AIRCRAFT SYSTEM.

15 "a. A powered, aerial vehicle that:

16 "1. Does not carry a human operator.

17 "2. Uses aerodynamic forces to provide vehicle lift.

18 "3. May fly autonomously through an onboard computer
19 or be piloted remotely.

20 "4. May be expendable or recoverable.

21 "b. The term does not include a satellite orbiting
22 the Earth or a spacecraft beyond Earth's atmosphere, and may
23 not be construed to implicate the provider of a
24 telecommunications link between an owner or operator of an
25 unmanned aircraft system and the unmanned aircraft system.

26 "§13A-11-32.

1 "(a) A person commits the crime of criminal
2 surveillance if he or she does either of the following:

3 "(1) intentionally Intentionally engages in
4 surveillance while trespassing in a private place.

5 "(2) Uses an unmanned aircraft system to do either
6 of the following, regardless of whether the unmanned aircraft
7 system is trespassing in a private place:

8 "a. Capture or take photographs, images, video, or
9 audio of another individual or the private property of another
10 individual, without that individual's consent, in a manner
11 that would invade the individual's reasonable expectation of
12 privacy, including capturing or recording through a window.

13 "b. View, follow, or contact another individual or
14 the private property of another individual, without the
15 individual's consent, in a manner that would invade the
16 individual's reasonable expectation of privacy, including
17 view, following, or contacting through a window.

18 "(b) Criminal surveillance is a Class B
19 misdemeanor."

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621 because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.