

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Natural Resources** recommends **SB 409** be amended on page 1, in line 32, after "locates" by inserting ", captures, prints"; in line 33, after "person's" by inserting "image,";

On page 2, in line 6, after "locates" by inserting ", captures, prints"; in line 8, after "information" by inserting "; or

(4) describes, locates, captures, prints or indexes anything about real property or tangible and intangible personal property.

(g) "Public land" means any land within the boundaries of the state which is owned by or subject to the control of the state or any political subdivision thereof and is not owned or controlled by any private person";

And by redesignating subsections accordingly;

Also on page 2, by striking all in lines 17 through 19; in line 22, after the period by inserting ""Unmanned vehicle" shall not include satellites."; in line 28, by striking "a public" and inserting "an"; in line 32, after "unlawful" by inserting "nor a violation of this act"; also in line 32, after "on" by inserting ":

(A) Public land, or in the air space above such public land;

(B) land owned by, or in the lawful possession of, the person operating such unmanned vehicle system, or in the air space above such land;

(C) ";

Also on page 2, in line 34, after "in" by inserting "lawful"; also in line 34, after

"operation" by inserting "; or

(D) the land of another, or in the airspace above such land, if the person operating such unmanned vehicle system has a property interest in such land, including, but not limited to, an easement or right-of-way on such land.

(3) Except as provided further, it shall not be unlawful nor a violation of this act if such operation only incidentally operates over or collects data from a neighboring property by nature of the process or technology utilized. Any intentional disclosure of such data collected from a neighboring property which causes harm to the owner or person in possession of such neighboring property shall be unlawful and a violation of this act";

Also on page 2, in line 40, after "Except" by inserting "as provided in subsection (c)(2),";

On page 3, in line 11, by striking all after "(a)" by striking all in line 12; in line 13, by striking "(b)"; in line 16, by striking "(1)" and inserting "(b)"; in line 20, by striking "(2)" and inserting "(c)"; in line 27, by striking "(3) (A)" and inserting "(d) (1)"; in line 33, by striking "(i)" and inserting "(A)"; in line 35, by striking "(ii)" and inserting "(B)"; in line 37, by striking "(iii)" and inserting "(C)"; in line 38, by striking "(iv)" and inserting "(D)"; in line 40, by striking "(B)" and inserting "(2)";

On page 4, in line 1, by striking ", a public"; by striking all in lines 2 through 23; in line 24, by striking all before the period and inserting "or (c), no law enforcement agency shall use an unmanned vehicle system to gather evidence or other information.

(b) The use of an unmanned vehicle system by a law enforcement agency to gather evidence or information that is not otherwise lawfully accessible in plain view shall constitute a search. Any law enforcement agency that uses an unmanned vehicle system to gather evidence or obtain information shall comply in all respects with the fourth amendment to the constitution of the United States and section 15 of the Kansas bill of rights.

(c) Any personal information obtained by a law enforcement agency with the use of an

unmanned vehicle or an unmanned vehicle system shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(d) Nothing in this act shall prohibit the use of an unmanned vehicle system by a law enforcement agency:

(1) If the law enforcement agency first obtains a search warrant pursuant to K.S.A. 22-2502 through 22-2505, and amendments thereto;

(2) if the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is necessary to prevent:

(A) Injury to a person;

(B) imminent danger to life; or

(C) property loss or damage;

(3) to counter a risk of a terrorist attack by a specific individual or organization if the secretary of homeland security determines that credible intelligence indicates such a risk;

(4) to provide continuous coverage when law enforcement is searching for a fugitive or escapee or is monitoring a hostage or barricaded subject situation;

(5) to provide more expansive coverage for the purpose of searching for a missing person or an identified pattern of criminal activity; or

(6) to address other exigent circumstances when probable cause exists that a crime is being committed, has been committed or is about to be committed";

Also on page 4, in line 25, by striking "(c)" and inserting "(e)";

On page 6, following line 8, by inserting:

"New Sec. 10. Nothing in the Kansas unmanned vehicle act shall limit the use of a robot designed to handle suspected explosive devices or other hazardous materials, or used in law enforcement tactical operations where there is a reasonable belief that a human law enforcement

response would pose an immediate threat to the safety of any person.";

Also on page 6, in line 12, after the first "the" by inserting "written"; in line 15, after the first "the" by inserting "written"; in line 25, after the second "the" by inserting "written"; in line 29, after the first "the" by inserting "written"; in line 37, by striking "consent or"; also in line 37, after "knowledge" by inserting "or written consent"; and by renumbering sections accordingly; and the bill be passed as amended.

\_\_\_\_\_Chairperson