

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Metz offered the following:

4

5 **Amendment**

6 Remove lines 57-99 and insert:

7 her written consent. For purposes of this paragraph, a person is
 8 presumed to have a reasonable expectation of privacy on his or
 9 her privately owned or occupied real property if he or she is
 10 not observable by persons located at ground level in a place
 11 where they have a legal right to be, regardless of whether he or
 12 she is observable from the air with the use of a drone.

13 (4) EXCEPTIONS.—Paragraph (3) (a) ~~This act~~ does not prohibit
 14 the use of a drone:

15 (a) To counter a high risk of a terrorist attack by a
 16 specific individual or organization if the United States
 17 Secretary of Homeland Security determines that credible

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18 intelligence indicates that there is such a risk.

19 (b) If the law enforcement agency first obtains a search
20 warrant signed by a judge authorizing the use of a drone.

21 (c) If the law enforcement agency possesses reasonable
22 suspicion that, under particular circumstances, swift action is
23 needed to prevent imminent danger to life or serious damage to
24 property, to forestall the imminent escape of a suspect or the
25 destruction of evidence, or to achieve purposes including, but
26 not limited to, facilitating the search for a missing person.

27 (5) REMEDIES FOR VIOLATION.—

28 (a) An aggrieved party may initiate a civil action against
29 a law enforcement agency to obtain all appropriate relief in
30 order to prevent or remedy a violation of paragraph (3) (a) ~~this~~
31 act.

32 (b)1. The owner, tenant, or occupant of privately owned or
33 occupied real property may initiate a civil action for
34 compensatory damages for violations of paragraph (3) (b) and may
35 seek injunctive relief to prevent future violations of paragraph
36 (3) (b) against a person, state agency, or political subdivision
37 that violates paragraph (3) (b). In such action, the prevailing
38 party is entitled to recover reasonable attorney fees from the
39 nonprevailing party based on the actual and reasonable time
40 expended by his or her attorney billed at an appropriate hourly
41 rate and, in cases in which the payment of such a fee is
42 contingent on the outcome, without a multiplier, unless the
43 action is tried to verdict, in which case a multiplier of up to

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44 twice the actual value of the time expended may be awarded in
45 the discretion of the trial court.

46 2. Punitive damages under this paragraph may be sought
47 against a person subject to other requirements and limitations
48 of law, including, but not limited to, part II of chapter 768
49 and case law.

50 3. The remedies provided by this paragraph are cumulative