

112TH CONGRESS
2D SESSION

S. 3287

To protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2012

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Freedom
5 from Unwarranted Surveillance Act of 2012”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “drone” means any powered, aer-
9 ial vehicle that—

1 (A) does not carry a human operator;

2 (B) uses aerodynamic forces to provide ve-
3 hicle lift;

4 (C) can fly autonomously or be piloted re-
5 motely;

6 (D) can be expendable or recoverable; and

7 (E) can carry a lethal or nonlethal pay-
8 load; and

9 (2) the term “law enforcement party” means a
10 person or entity authorized by law, or funded by the
11 Government of the United States, to investigate or
12 prosecute offenses against the United States.

13 **SEC. 3. PROHIBITED USE OF DRONES.**

14 Except as provided in section 4, a person or entity
15 acting under the authority, or funded in whole or in part
16 by, the Government of the United States shall not use a
17 drone to gather evidence or other information pertaining
18 to criminal conduct or conduct in violation of a statute
19 or regulation except to the extent authorized in a warrant
20 that satisfies the requirements of the Fourth Amendment
21 to the Constitution of the United States.

22 **SEC. 4. EXCEPTIONS.**

23 This Act does not prohibit any of the following:

1 (1) PATROL OF BORDERS.—The use of a drone
2 to patrol national borders to prevent or deter illegal
3 entry of any persons or illegal substances.

4 (2) EXIGENT CIRCUMSTANCES.—The use of a
5 drone by a law enforcement party when exigent cir-
6 cumstances exist. For the purposes of this para-
7 graph, exigent circumstances exist when the law en-
8 forcement party possesses reasonable suspicion that
9 under particular circumstances, swift action to pre-
10 vent imminent danger to life is necessary.

11 (3) HIGH RISK.—The use of a drone to counter
12 a high risk of a terrorist attack by a specific indi-
13 vidual or organization, when the Secretary of Home-
14 land Security determines credible intelligence indi-
15 cates there is such a risk.

16 **SEC. 5. REMEDIES FOR VIOLATION.**

17 Any aggrieved party may in a civil action obtain all
18 appropriate relief to prevent or remedy a violation of this
19 Act.

20 **SEC. 6. PROHIBITION ON USE OF EVIDENCE.**

21 No evidence obtained or collected in violation of this
22 Act may be admissible as evidence in a criminal prosecu-
23 tion in any court of law in the United States.

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