

SB 519-FN - AS AMENDED BY THE SENATE

03/12/2026 1084s

2026 SESSION

26-2075

09/08

SENATE BILL

519-FN

AN ACT

relative to the use of unmanned aerial systems.

SPONSORS:

Sen. Reardon, Dist 15

COMMITTEE:

Judiciary

AMENDED ANALYSIS

This bill establishes a civil cause of action and a criminal penalty for the use of unmanned aerial systems for certain purposes that violate a reasonable expectation of privacy, subject to certain exceptions.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the use of unmanned aerial systems.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Causes of Action Related to the Use of Small Unmanned Aircraft Systems.
2 Amend RSA by inserting after chapter 507-I the following new chapter:

CHAPTER 507-J

CAUSES OF ACTION RELATED TO THE USE OF SMALL UNMANNED AIRCRAFT SYSTEMS

5 507-J:1 Definitions. As used in this chapter:

6 I. "Aircraft" means "aircraft" as it is defined in RSA 422:3, VI.

7 II. "Imaging device" means any technology capable of recording or transmitting images,
8 sound, or data.

9 III. "Operate" means "operate aircraft" as that term is defined in RSA 422:3, XXII.

10 IV. "Small unmanned aircraft" means "small unmanned aircraft" as it is defined in RSA
11 422:3, XXVII-a.

12 V. "Small unmanned aircraft system" means "small unmanned aircraft system" as it is
13 defined in RSA 422:3, XXVII-b.

14 VI.(a) "Surveillance" means:

15 (1) With respect to an owner, tenant, occupant, invitee, or licensee of privately
16 owned real property, the intentional observation of such persons with sufficient visual clarity to be
17 able to obtain information about their identity, habits, conduct, movements, or whereabouts; and

18 (2) With respect to privately owned real property, the intentional observation of such
19 property's physical improvements with sufficient visual clarity to be able to determine unique
20 identifying features or its occupancy by one or more persons.

21 (b) "Surveillance" does not include the capture of photographs, electronic images, and
22 associated data by a drone operator that is operating for legitimate business purposes unrelated to
23 surveillance in a manner consistent with applicable FAA rules, licenses, or exemptions.

24 507-J:2 Prohibition on Use to Violate Privacy.

25 Neither the state, or any political subdivision thereof, nor any person, shall operate a small
26 unmanned aircraft system that includes an imaging device to conduct surveillance over private
27 property without written consent from the property owner, in any situation where a reasonable
28 expectation of privacy exists. For purposes of this section, a reasonable expectation of privacy shall
29 be presumed to exist in any location where a person cannot be observed from a public ground-level
30 position.

31 507-J:3 Exceptions. RSA 507-J:2 shall not apply to:

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I. Law enforcement officers:

(a) Operating pursuant to a valid warrant;

(b) Acting pursuant to exigent circumstances involving imminent danger to life or the risk of destruction of evidence;

(c) Countering a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk;

(d) Searching for specifically identified missing persons;

(e) Searching for specifically identified stolen vehicles; and

(f) Investigating motor vehicle accidents.

(g) Performing other law enforcement duties.

II. Inspections by a fire department in accordance with their responsibilities outlined in RSA 154:2, III.

III. Inspections of critical infrastructure as defined in RSA 319-D:1, II, or non-utility-owned electricity generators, by or on behalf of an owner or operator of a critical infrastructure facility for the sole purpose of monitoring, inspecting, or maintaining the facility.

IV. Property appraisal for taxes, provided that:

(a) Each property owner shall be notified that the surveillance prohibited by RSA 507-J:2 may occur and that the property owner may opt out of that surveillance without cost or other consequence;

(b) Any images of identifiable persons shall be blurred as soon as practicable; and

(c) All surveillance images shall be permanently destroyed when they are no longer needed for the purpose for which they were obtained.

V. Environmental emergency assessments authorized by the department of environmental services, provided that:

(a) Any images of identifiable persons shall be blurred as soon as practicable; and

(b) All surveillance images shall be permanently destroyed when they are no longer needed for the purpose for which they were obtained.

VI. An employee or contractor of an insurance company who uses a small unmanned aircraft system solely for the purposes of underwriting, claims investigation, claims adjustment, assessment of property damage or investigation of insurance fraud.

VII. Railroad owners and easement holders, for the purpose of monitoring, inspecting, or maintaining the railroad.

507-J:4 Remedies.

I. A person alleging a violation of RSA 507-J:2 may bring an action for compensatory and punitive damages and injunctive relief.

II. Any civil remedy shall be in addition to any other remedy available at law.

1 III. The court may award reasonable attorney's fees to a person who successfully establishes
2 a violation of RSA 507-J:2.

3 507-J:5 Severability.

4 If any provision of this chapter or the application thereof to any person or circumstances is held
5 invalid, such invalidity shall not affect other provisions or applications of the chapter which can be
6 given effect without the invalid provision or application, and to this end the provisions of this
7 chapter are declared to be severable.

8 2 New Subparagraphs; Unlawful Operation or Use of a Small Unmanned Aircraft System.
9 Amend RSA 644:23, I by inserting after subparagraph (d) the following new subparagraphs:

10 (e) "Imaging device" means any technology capable of recording or transmitting images,
11 sound, or data.

12 (f)(1) "Surveillance" means:

13 (A) With respect to an owner, tenant, occupant, invitee, or licensee of privately
14 owned real property, the intentional observation of such persons with sufficient visual clarity to be
15 able to obtain information about their identity, habits, conduct, movements, or whereabouts; and

16 (B) With respect to privately owned real property, the intentional observation of
17 such property's physical improvements with sufficient visual clarity to be able to determine unique
18 identifying features or its occupancy by one or more persons.

19 (2) "Surveillance" does not include the capture of photographs, electronic images,
20 and associated data by a drone operator that is operating for legitimate business purposes unrelated
21 to surveillance in a manner consistent with applicable FAA rules, licenses, or exemptions.

22 3 New Paragraph; Unlawful Operation or Use of Small Unmanned Aircraft System. Amend
23 RSA 644:23 by inserting after paragraph IV the following new paragraphs:

24 IV-a. A person is guilty of a class B felony if such person knowingly operates a small
25 unmanned aircraft system that includes an imaging device to conduct surveillance over private
26 property without written consent from the property owner, in any situation where a reasonable
27 expectation of privacy exists, in violation of RSA 507-J:2, and without being subject to an exception
28 listed in RSA 507-J:3.

29 IV-b. A person is guilty of a class B felony if such person knowingly distributes or publishes
30 surveillance obtained in violation of paragraph IV-a.

31 IV-c. Paragraphs IV-a and IV-b shall not apply to any entity exempt under paragraph III.

32 4 Effective Date. This act shall take effect January 1, 2027.

**SB 519-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1084s)**

AN ACT relative to the use of unmanned aerial systems.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association