

Amendment to HB 97-FN

1 Amend RSA 422-D:1, IV as inserted by section 1 of the bill by replacing it with the following:

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3 IV.(a) "Critical infrastructure" means a county, city, or town jail or detention facility, police
4 station or fire station; any prison, facility, or institution under the control of the department of
5 corrections; and any additional structure designated by the Federal Aviation Administration as
6 critical infrastructure.

7 (b) The department of transportation, bureau of aeronautics, shall apply to the Federal
8 Aviation Administration to request the structures specified in subparagraph (a) to be designated as
9 critical infrastructures.

10
11 Amend RSA 422-D:2, I as inserted by section 1 of the bill by replacing it with the following:

12
13 I. Except as provided in paragraph II or III:

14 (a) No government shall use a drone, or obtain, receive, use, or retain information
15 acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws;
16 and

17 (b) No government shall use a drone equipped with an imaging device to record an
18 image of an identifiable individual on privately-owned real property in violation of such individual's
19 reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an
20 individual is presumed to have a reasonable expectation of privacy on privately-owned real property
21 if he or she (1) is within an enclosed structure or (2) is not observable by individuals located at
22 ground level in a public place where they have a legal right to be, regardless of whether he or she is
23 observable from the air.

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25 Amend RSA 422-D:2 as inserted by section 1 of the bill by inserting after paragraph II the following
26 new paragraph and renumbering the original paragraphs III-VII to read as IV-VIII, respectively:

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28 III. Notwithstanding the provisions of paragraph I, a government may use a drone, or
29 obtain, receive, use, or retain information acquired by or through a drone for non-law enforcement
30 purposes if, in an emergency, a government determines that, under particular circumstances, swift
31 action is needed to prevent imminent harm to life or serious damage to property, or to assist in
32 locating missing, abducted, or lost individuals, hunters, or hikers, or to rescue persons in natural

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1 disasters, injured persons, or persons in need of medical assistance.

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3 Amend RSA 422-D:3, IV(a) as inserted by section 1 of the bill by replacing it with the following:

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5 (a) Operate a drone over critical infrastructure without the written consent of the
6 owner of the critical infrastructure;

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8 Amend RSA 422-D:3, VIII as inserted by section 1 of the bill by replacing it with the following:

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10 VIII. Paragraphs I, II, and III of this section shall not apply to a person engaged in a
11 business or profession licensed by the state, or by an agent, employee, or contractor of such person,
12 if the drone is used solely to perform reasonable tasks within the scope of practice or activities
13 permitted under such person's license, and provided that the drone shall not be used to obtain
14 information about the identity, habits, conduct, movements, whereabouts, affiliations, associations,
15 transactions, reputation, or character of any individual.

16
17 Amend RSA 422-D:5 as inserted by section 1 of the bill by replacing it with the following:

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19 422-D:5 Identification. Except for the drone's original equipment manufacturer, each owner of
20 a drone shall identify the drone with the owner's telephone number in permanent ink or other
21 indelible manner of identification. If space allows, the owner's name shall also be included.
22 Identification shall be readily accessible and legible upon close visual inspection.

23
24 Amend RSA 422-D:9, I as inserted by section 1 of the bill by replacing it with the following:

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26 I. A government employee or agent who knowingly violates RSA 422-D:2, except for the
27 reporting requirements in 422-D:2, II(c) and 422-D:2, VIII, shall be guilty of a misdemeanor. A
28 government employee or agent who violates the reporting requirements in RSA 422-D:2, II(c) or
29 422-D:2, VIII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent
30 offense.