

112TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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.