

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 412

Introduced by Schumacher, 22; Bloomfield, 17.

Read first time January 22, 2013

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to unreasonable searches and seizures; to adopt
- 2 the Freedom from Unwarranted Surveillance Act; to provide
- 3 an operative date; and to declare an emergency.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Freedom from Unwarranted Surveillance Act.

3 Sec. 2. For purposes of the Freedom from Unwarranted
4 Surveillance Act:

5 (1) Drone means a powered, aerial vehicle that:

6 (a) Does not carry a human operator;

7 (b) Uses aerodynamic forces to provide vehicle lift;

8 (c) Can fly autonomously or be piloted remotely;

9 (d) Can be expendable or recoverable; and

10 (e) Can carry a lethal or nonlethal payload; and

11 (2) Law enforcement agency means a lawfully established
12 state or local public agency that is responsible for the prevention
13 and detection of crime and the enforcement of penal, traffic,
14 regulatory, game, or controlled substances laws.

15 Sec. 3. A law enforcement agency shall not use a drone to
16 gather evidence or other information.

17 Sec. 4. The Freedom from Unwarranted Surveillance Act
18 does not prohibit the use of a drone to counter a high risk of a
19 terrorist attack by a specific individual or organization if the
20 United States Secretary of Homeland Security determines that credible
21 intelligence indicates that there is such a risk.

22 Sec. 5. An aggrieved party may initiate a civil action
23 against a law enforcement agency to obtain all appropriate relief in
24 order to prevent or remedy a violation of the Freedom from
25 Unwarranted Surveillance Act

1 Sec. 6. Evidence obtained or collected in violation of
2 the Freedom from Unwarranted Surveillance Act is not admissible as
3 evidence in a criminal prosecution in any court of law in this state.

4 Sec. 7. This act becomes operative on July 1, 2013.

5 Sec. 8. Since an emergency exists, this act takes effect
6 when passed and approved according to law.