

California Enacts Drone Privacy Law

November 10, 2014 - Over the past year, a number of states have been working on laws to regulate the use of drones—essentially, unmanned flying robots. Most of the laws that have been enacted or which are being contemplated concern the use of drones by law enforcement agencies. But California's new law is modifies the state's already strict code concerning invasion of privacy. The modification severely restricts the use of camera equipped drones and enhances the penalties against those who would choose to violate the law.

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s.src = 'http://widgets.digg.com/buttons.js';
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While the purpose of the new law is to regulate the use of camera equipped drones, the law never actually used the word "drone". Instead, it includes any device used to capture an image or sound recording on private property in a manner that most people would find "offensive". The wording used in the legislation appears to anticipate that as technology evolves, drones may not be the only devices that could be used in this manner.

Under the old law, in order to invade the privacy of someone on private property, one would have to enter that private property to be in violation of the law. With the modification, that is no longer the case. The new law specifies that a "device" that captures video or audio recording on private property is in violation if the only other way to have obtained those recordings would have involved trespassing on private property without the use of a drone.

The penalties for violating the law are stiff. Up to three times the damages for a physical trespass. And if the invasion of privacy resulted in a commercial gain—meaning that the pictures were taken and sold for profit—all monies received must be forfeited to the person who was photographed. Additionally, anyone found guilty of violating the law will be subject to a civil fine of not less than \$5,000 and no more than \$50,000. That is per occurrence.

Governor Brown has already signed off on the legislation and the enhanced law will go into effect on January 1, 2015.

by Jim Malmberg

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