



Legislation Text

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Proposed Res. No. 57-A

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2683/S.1841, an act that would amend the criminal procedure law in relation to protecting against unwarranted surveillance.

By Council Members King, Mendez, Levin, Levine, Espinal, Maisel, Mealy, Reynoso, Rose and Cumbo

Whereas, Unmanned Aircraft Systems (“UAS”), more commonly known as drones, are aircraft without human pilots; and

Whereas, Drones either can be operated remotely through the use of a computer keyboard and a mouse or a joystick or can be programmed to fly autonomously; and

Whereas, Some drones are equipped with a variety of capabilities, including a Global Positioning System (“GPS”) sensor, autopilot, and video recording device; and

Whereas, According to a *New York Times* article, armed and unarmed drones have been used by the United States (“U.S.”) for military operations, in countries such as Pakistan and Yemen; and

Whereas, Even though the U.S. military reports that so-called drone strikes target members of various terrorist organizations, such strikes have caused civilian casualties; and

Whereas, A report by Amnesty International states that at least 18 civilians within the area of North Waziristan, Pakistan were killed in just two of the drone strikes in 2012; and

Whereas, In addition to the human toll, drone strikes also have a psychological impact on these communities; and

Whereas, Drones, however, are not confined to military use and are now being used for civilian purposes; and

Whereas, According to the Federal Aviation Administration (“FAA”) website, the agency may authorize limited use of drones for important missions with a public interest, such as firefighting, disaster relief, search and rescue, law enforcement, border patrol, military training, testing and evaluation; and

Whereas, According to a *New York Times* article, drones are also being used by the U.S. Department of Homeland Security to patrol the U.S. borders and ports, and by certain police departments, including those in Miami, Florida and Mesa County, Colorado, which use drones for local law enforcement purposes; and

Whereas, The use of drones raises significant concerns regarding privacy and civil liberties; and

Whereas, The Fourth Amendment of the U.S. Constitution protects individuals from “unreasonable searches and seizures”; and

Whereas, Some groups have argued that the use of drones, in many circumstances, may violate the Fourth Amendment’s provisions against unreasonable searches; and

Whereas, The use of drones by police for surveillance purposes has been banned in cities such as Charlottesville, Virginia and Seattle, Washington; and

Whereas, A.2683, sponsored by Assembly Member Luis Sepulveda, and companion bill, S.1841, sponsored by Senator Martin M. Dilan, currently pending in the New York State Assembly and Senate, respectively, would protect against unwarranted surveillance by drones; and

Whereas, More particularly, A.2683/S.1841 would amend the Criminal Procedure Law by adding a new section entitled “Protection against unwarranted surveillance”; and

Whereas, A.2683/S.1841 would define an unmanned aerial vehicle as any powered, aerial vehicle that does not carry a human operator within or on the aircraft and is either autonomously or remotely piloted; and

Whereas, A.2683/S.1841 would prohibit any individual or entity working for, assisting or acting on behalf of any state, county, municipal or local government, from using, operating, engaging, or employing an unmanned aerial vehicle to gather evidence or other information related to a criminal investigation, criminal case, or conduct in violation of regulation; and

Whereas, A.2683/S.1841 would create an exception for the use of unmanned aerial vehicles in instances when authorized under a warrant issued by a court or justified by lawful exceptions to the warrant requirement, such as hot pursuit or in an emergency; and

Whereas, Finally, A.2683/S.1841 would require that evidence or other information obtained in violation of the proposed law would be inadmissible in any criminal action against an injured person and permit any aggrieved individual to seek civil and equitable relief for such violation; and

Whereas, The New York State Legislature should act swiftly to regulate the use of drones; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2683/S.1841, an act that would amend the criminal procedure law in relation to protecting against unwarranted surveillance.

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