

House File 572 - Reprinted

HOUSE FILE 572
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 388)

(COMPANION TO SF 369 BY
SWEENEY)

(As Amended and Passed by the House April 11, 2023)

A BILL FOR

- 1 An Act prohibiting the use of remotely piloted aircraft flying
2 over certain property, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 715D.1 Definitions.

2 As used in this chapter:

3 1. "*Agricultural animal*" means an animal belonging to
4 the bovine, caprine, equine, ovine, or porcine species; farm
5 deer as defined in section 170.1; ostriches, rheas, or emus;
6 turkeys, chickens, domestic geese or ducks, or other domestic
7 fowl; or fish or other aquatic organisms confined in private
8 waters for human consumption.

9 2. a. "*Animal feeding operation*" means a place where
10 agricultural animals are confined and fed and maintained for
11 forty-five days or more in any twelve-month period, if the
12 place is not within the corporate limits of a city.

13 b. "*Animal feeding operation*" includes an open feedlot
14 operation as defined in section 459A.102; a lot or corral; or a
15 structure, including a barn or similar building, used to house
16 agricultural animals.

17 3. a. "*Convicted*" means the entry of a judgment of
18 conviction under chapter 901 or adjudicated delinquent for an
19 act which is an indictable offense in this state or in another
20 state under chapter 232.

21 b. "*Convicted*" does not mean a plea, sentence, adjudication,
22 deferred sentence, or deferred judgment which has been reversed
23 or otherwise set aside.

24 4. "*Homestead*" means real property that includes the
25 principal residence of a person, and up to four hundred feet
26 of surrounding land with any improvements, if all such real
27 property is both owned or leased by that person and not located
28 within the corporate limits of a city.

29 5. "*Principal residence*" means the place where a person
30 habitually lives for more days per year than another place in
31 this state, if the place is not within the corporate limits of
32 a city.

33 6. "*Railroad company*" means a business entity organized
34 under the laws of this state or doing business in this state
35 as a carrier by rail and regulated by the federal railroad

1 administration.

2 7. "*Remotely piloted aircraft*" means a self-propelled
3 vehicle used for navigation and flight, that is controlled by
4 the use of an electronic system and is not designed to carry a
5 human.

6 8. "*Secure farmstead area*" means real property that includes
7 an animal feeding operation and up to four hundred feet of
8 surrounding land with any improvements, if all such real
9 property is both owned or leased by a person and not located
10 within the corporate limits of a city.

11 9. "*Surveillance device*" means a camera or electronic
12 equipment that transmits or records images, sounds, or data
13 if the transmission or recording is capable of reasonably
14 identifying any of the following:

15 a. The identity, physical appearance, conduct, or voice of
16 an individual.

17 b. The species of an agricultural animal.

18 c. The unique physical characteristics of land or an
19 improvement to land.

20 Sec. 2. NEW SECTION. 715D.2 **Distance measurements.**

21 In measuring the distance from an object to a remotely
22 piloted aircraft in flight under this chapter, it shall be
23 presumed as a matter of law that the remotely piloted aircraft
24 is flying parallel to the object. The distance between the
25 object and remotely piloted aircraft shall be measured from
26 their closest possible points.

27 Sec. 3. NEW SECTION. 715D.3 **Intrusion by use of remotely
28 piloted aircraft — offense.**

29 1. A person commits intrusion by the use of a remotely
30 piloted aircraft if the person knowingly does any of the
31 following:

32 a. Controls the flight of a remotely piloted aircraft over
33 a homestead, if the homestead is not owned or leased by the
34 person, and the remotely piloted aircraft remains over the
35 homestead.

1 *b.* Controls the flight of remotely piloted aircraft over a
2 secure farmstead area, if the secure farm area is not owned or
3 leased by the person, and the remotely piloted aircraft remains
4 over the secure farmstead area.

5 2. *a.* A person who commits intrusion by the use of a
6 remotely piloted aircraft is guilty of a simple misdemeanor.

7 *b.* Notwithstanding paragraph "a", a person who commits
8 intrusion by the use of a remotely piloted aircraft is guilty
9 of a serious misdemeanor if the person has previously been
10 convicted of any of the following:

11 (1) Intrusion by the use of a remotely piloted aircraft as
12 provided in this section.

13 (2) Surveillance by the use of a remotely piloted aircraft
14 as provided in section 715D.4.

15 Sec. 4. NEW SECTION. 715D.4 **Surveillance by use of remotely**
16 **piloted aircraft — offense.**

17 1. A person commits surveillance by the use of a remotely
18 piloted aircraft if the person knowingly does any of the
19 following:

20 *a.* Controls the flight of a remotely piloted aircraft
21 equipped with a surveillance device over a homestead, if
22 the homestead is not owned or leased by the person, and the
23 remotely piloted aircraft remains over the homestead.

24 *b.* Controls the flight of a remotely piloted aircraft
25 equipped with a surveillance device over a secure farmstead
26 area, if the secure farm area is not owned or leased by the
27 person, and the remotely piloted aircraft remains over the
28 secure farmstead area.

29 2. *a.* A person who commits surveillance by the use of a
30 remotely piloted aircraft is guilty of a serious misdemeanor.

31 *b.* Notwithstanding paragraph "a", a person who commits
32 surveillance by the use of a remotely piloted aircraft
33 is guilty of an aggravated misdemeanor if the person has
34 previously been convicted of any of the following:

35 (1) Intrusion by the use of a remotely piloted aircraft as

1 provided in section 715D.3.

2 (2) Surveillance by the use of a remotely piloted aircraft
3 as provided in this section.

4 Sec. 5. NEW SECTION. 715D.5 Injunctive relief — harassment
5 due to use of remotely piloted aircraft.

6 1. A person who is the owner or lessee of a homestead or
7 secure farmstead area may petition the district court to obtain
8 an order for a temporary injunction to prevent the respondent
9 from using any remotely piloted aircraft equipped with a
10 surveillance device, if a preponderance of evidence indicates
11 that the respondent is harassing the petitioner by controlling
12 the flight of the remotely piloted aircraft over the person's
13 homestead or secure farmstead area. The court shall grant
14 the temporary injunction for not more than two years. The
15 court may continue the injunction upon a petition filed by the
16 petitioner with the court prior to the order's expiration.

17 2. If a court grants an order for a temporary injunction
18 under subsection 1, the court may award the petitioner court
19 costs, reasonable attorney fees, and expenses related to the
20 petitioner's investigation and adjudication of the case, which
21 shall be taxed as part of the costs of the action.

22 3. a. Except as provided in paragraph "b", a court shall
23 order that any person holding a retrievable image, sound, or
24 data recorded in violation of this section destroy the image,
25 sound, or data, including any copy of such image, sound, or
26 data.

27 b. (1) A person may claim an ownership interest in a
28 retrievable image, sound, or data recorded in violation of this
29 section, to the extent that any of the following apply:

30 (a) The person is an individual who may be identified in the
31 recording. A parent or guardian of the individual may claim
32 the ownership interest on behalf of the individual.

33 (b) The person is an owner of an agricultural animal that
34 may be identified in the recording.

35 (c) The person is an owner of the land or an improvement

1 to land having unique physical characteristics that may be
2 identified in the recording.

3 (2) A person cannot claim an ownership interest in a
4 retrievable image, sound, or data that includes an image,
5 sound, or data that may identify another individual, an
6 agricultural animal owned by another person, or land or
7 an improvement owned by another person, unless that other
8 individual or person consents.

9 Sec. 6. NEW SECTION. 715D.6 **Exceptions — intrusion or**
10 **surveillance by use of remotely piloted aircraft.**

11 Sections 715D.3 and 715D.4 do not prohibit a person from
12 controlling a remotely piloted aircraft flying over a person's
13 homestead or secure farmstead area if the person controlling
14 the remotely piloted aircraft is any of the following:

15 1. A person who acts with the consent of the owner of the
16 homestead or secure farmstead area.

17 2. A person who operates a remotely piloted aircraft for
18 a commercial or agricultural use in compliance with federal
19 aviation administration regulations, authorizations, or
20 exemptions.

21 3. A department, division, or other unit of state government
22 of this state or any other state, city, county, township, or
23 other governmental subdivision, or any other public corporation
24 or agency created under the laws of this state, any other
25 state, the United States, or any department or agency thereof,
26 or any agency, commission, or authority established pursuant to
27 an interstate compact or agreement or combination thereof.

28 4. A public utility as defined in section 476.1.

29 5. A railroad company.

30 6. A person who controls the flight of a remotely piloted
31 aircraft more than four hundred feet from the earth's surface.

32 7. A person who controls the flight of a remotely piloted
33 aircraft for the exclusive purpose of collecting information
34 regarding weather or climate conditions.

35 8. The state or a governmental subdivision exercising

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1 rights to a public road right-of-way as defined in section
2 306.3.

3 9. The owner or lessee of the homestead or secure farmstead
4 area.