

CHAPTER 1131

REMOTELY PILOTED AIRCRAFT — INTRUSION OR SURVEILLANCE — PENALTIES AND INJUNCTIVE RELIEF

H.F. 572

AN ACT prohibiting the use of remotely piloted aircraft flying over certain property, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

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

As used in [this chapter](#):

1. “Agricultural animal” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer as defined in [section 170.1](#); ostriches, rheas, or emus; turkeys, chickens, domestic geese or ducks, or other domestic fowl; or fish or other aquatic organisms confined in private waters for human consumption.

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

b. “Animal feeding operation” includes an open feedlot operation as defined in [section 459A.102](#); a lot or corral; or a structure, including a barn or similar building, used to house agricultural animals.

3. a. “Convicted” means the entry of a judgment of conviction under [chapter 901](#) or adjudicated delinquent for an act which is an indictable offense in this state or in another state under [chapter 232](#).

b. “Convicted” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

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

5. “Principal residence” means the place where a person habitually lives for more days per year than another place in this state, if the place is not within the corporate limits of a city.

6. “Railroad company” means a business entity organized under the laws of this state or doing business in this state as a carrier by rail and regulated by the federal railroad administration.

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

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

9. “Surveillance device” means a camera or electronic equipment that transmits or records images, sounds, or data if the transmission or recording is capable of reasonably identifying any of the following:

- a. The identity, physical appearance, conduct, or voice of an individual.
- b. The species of an agricultural animal.
- c. The unique physical characteristics of land or an improvement to land.

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

In measuring the distance from an object to a remotely piloted aircraft in flight under [this chapter](#), it shall be presumed as a matter of law that the remotely piloted aircraft is flying parallel to the object. The distance between the object and remotely piloted aircraft shall be measured from their closest possible points.

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

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

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

b. Controls the flight of remotely piloted aircraft over a secure farmstead area, if the secure farm¹ area is not owned or leased by the person, and the remotely piloted aircraft remains over the secure farmstead area.

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

b. Notwithstanding paragraph “a”, a person who commits intrusion by the use of a remotely piloted aircraft is guilty of a serious misdemeanor if the person has previously been convicted of any of the following:

(1) Intrusion by the use of a remotely piloted aircraft as provided in [this section](#).

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

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

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

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

b. Controls the flight of a remotely piloted aircraft equipped with a surveillance device over a secure farmstead area, if the secure farm² area is not owned or leased by the person, and the remotely piloted aircraft remains over the secure farmstead area.

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

b. Notwithstanding paragraph “a”, a person who commits surveillance by the use of a remotely piloted aircraft is guilty of an aggravated misdemeanor if the person has previously been convicted of any of the following:

(1) Intrusion by the use of a remotely piloted aircraft as provided in [section 715D.3](#).

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

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

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

2. If a court grants an order for a temporary injunction under [subsection 1](#), the court may award the petitioner court costs, reasonable attorney fees, and expenses related to the petitioner’s investigation and adjudication of the case, which shall be taxed as part of the costs of the action.

3. a. Except as provided in paragraph “b”, a court shall order that any person holding a retrievable image, sound, or data recorded in violation of [this section](#) destroy the image, sound, or data, including any copy of such image, sound, or data.

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

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

¹ See chapter 1154, §21 herein

² See chapter 1154, §22 herein

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

(c) The person is an owner of the land or an improvement to land having unique physical characteristics that may be identified in the recording.

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

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

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

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

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

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

4. A public utility as defined in [section 476.1](#).

5. A railroad company.

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

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

8. The state or a governmental subdivision exercising rights to a public road right-of-way as defined in [section 306.3](#).

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

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