

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 426 (Dixon)  
Version: April 2, 2025  
Hearing Date: July 8, 2025  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

Impeding emergency response with drone

**DIGEST**

This bill prohibits a person from operating or using an unmanned aerial vehicle, remote piloted aircraft, or drone at the scene of an emergency and thereby impeding firefighters, peace officers, medical personnel, military personnel, or other emergency personnel in the performance of their fire suppression, law enforcement, or emergency response, and makes a person who violates the prohibition subject to a civil penalty not to exceed \$75,000 for each violation. The bill authorizes the Attorney General, a county counsel, or city attorney to bring a civil action to enforce this prohibition, as provided.

**EXECUTIVE SUMMARY**

In January 2025, a number of deadly wildfires in Los Angeles, including the Palisades and Eaton fires, collectively burned over 39,000 acres,<sup>1</sup> caused at least 30 deaths,<sup>2</sup> destroyed over 16,000 structures, and resulted in property damage estimates ranging from \$28 to \$53.8 billion.<sup>3</sup> There was at least one reported incident of a drone colliding with firefighting aircraft, which forced the aircraft to be taken out of commission for repairs, hampering the efforts of first responders.<sup>4</sup> This bill seeks to prohibit a person from using or operating any drone or other unmanned aerial vehicle at the scene of an emergency thereby impeding emergency personnel in the performance of their duties. A person who violates this prohibition can be punished by a civil penalty. The bill is author sponsored and supported by the California Police Chiefs Association, the California Professional Firefighters, the California Special Districts Association, the

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<sup>1</sup> Governor's Exec. Order No. N-4-25 (Jan. 12, 2025).

<sup>2</sup> Jesus Jiménez, *L.A. Fires Death Toll Rises to 30 After Remains Are Found*, L.A. Times, (Apr. 3, 2025), available at <https://www.nytimes.com/2025/04/03/us/la-fires-death-toll.html>.

<sup>3</sup> *Palisades and Eaton wildfires caused up to \$53.8 billion in property damage, study finds*, The Orange County Register, (Feb. 27, 2025), available at <https://www.ocregister.com/2025/02/27/palisades-and-eaton-wildfires-caused-up-to-53-8-billion-in-property-damage-study-finds/>.

<sup>4</sup> See Comment 2, below.

California State Sheriffs' Association, and the League of California Cities. The bill is opposed by the ACLU Action Committee, Californians United for a Responsible Budget, and Initiate Justice.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law:

- 1) Provides that an individual who operates an unmanned aircraft and knowingly or recklessly interferes with a wildfire suppression, or law enforcement or emergency response efforts related to a wildfire suppression, is liable for a fine as defined or imprisonment for up to two years, or both. (18 U.S.C. § 40a.)

Existing state law:

- 1) Exempts a local public entity and local public employees from liability for damage caused to an unmanned aircraft if the damage was caused while providing emergency services, as specified, and the unmanned aircraft interfered, as specified. (Gov. Code § 853.)
- 2) Declares each person at the scene of an emergency with the intention to view the emergency, as specified, that impedes the emergency response personnel in responding to the emergency, as specified, including the operation of an unmanned aerial vehicle or drone, is guilty of a misdemeanor. (Pen. Code § 402.)
- 3) Exempts an emergency responder from liability for damage caused to an unmanned aircraft if the damage was caused while the emergency responder was providing emergency services, as specified, and the unmanned aircraft interfered, as specified. (Civ. Code § 43.101.)
- 4) Defines unmanned aircraft and unmanned aircraft systems as follows:
  - a) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft;
  - b) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system. (Government Code Section 853.5.)

This bill:

- 1) Prohibits a person from operating or using an unmanned aerial vehicle, remote piloted aircraft, or drone at the scene of an emergency and thereby impeding firefighters, peace officers, medical personnel, military personnel, or other

emergency personnel in the performance of their fire suppression, law enforcement, or emergency response duties.

- 2) Authorizes the Attorney General, county counsel, or city attorney to bring a civil action to enforce 1) and authorizes a prevailing plaintiff to recover any of the following in any court of competent jurisdiction:
  - a) a civil penalty not exceeding \$75,000 for each violation;
  - b) injunctive relief; and
  - c) reasonable attorney's fees and costs.
- 3) Provides it does not apply to a person who has been granted a Part 107 Operational Waiver issued by the Federal Aviation Administration pursuant to Section 107.200 of the Code of Federal Regulations.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

AB 426 is a necessary tool for our emergency services when unauthorized drones impede on wildfire suppression. According to the U.S. Forest Service, there were nine public drone incursions that resulted in the grounding of aerial firefighting efforts. Recently with the Palisades Fire in Los Angeles, a drone crashed into a firefighting Super Scooper plane, leaving a hole in the wing and grounding the aircraft for several days. Not only are the repairs to the specialized equipment costly, but an aircraft or multiple aircrafts being grounded for an unspecified amount of time can be life threatening.

#### 2. This bill seeks to provide more deterrence against a person flying drones over emergencies

In January 2025, a number of deadly wildfires in Los Angeles, including the Palisades and Eaton fires, collectively burned over 39,000 acres,<sup>5</sup> caused at least 30 deaths,<sup>6</sup> destroyed over 16,000 structures, and resulted in property damage estimates ranging from \$28 to \$53.8 billion.<sup>7</sup> In one instance, a man flew a drone over the Pacific Palisades,

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<sup>5</sup> Governor's Exec. Order No. N-4-25 (Jan. 12, 2025).

<sup>6</sup> Jesus Jiménez, *L.A. Fires Death Toll Rises to 30 After Remains Are Found*, L.A. Times, (Apr. 3, 2025), available at <https://www.nytimes.com/2025/04/03/us/la-fires-death-toll.html>.

<sup>7</sup> *Palisades and Eaton wildfires caused up to \$53.8 billion in property damage, study finds*, The Orange County Register, (Feb. 27, 2025), available at <https://www.ocregister.com/2025/02/27/palisades-and-eaton-wildfires-caused-up-to-53-8-billion-in-property-damage-study-finds/>.

which collided with a Super Scooper plane conducting firefighting activities.<sup>8</sup> The impact of the drone with the Super Scooper caused an “approximately 3-inch-by-6-inch hole in the left wing” that resulted in repair costs of at least \$65,169. Additionally, this incident rendered an important firefighting tool out of commission. The man in this instance has pled guilty to recklessly operating a drone in violation of federal law. The acting U. S. Attorney for the case, Joseph T. McNally stated the “damage caused to the Super Scooper is a stark reminder that flying drones during times of emergency poses an extreme threat to personnel trying to help people and compromises the overall ability of police and fire to conduct operations.” This bill seeks to prevent situations like the one above by providing further deterrence for persons from flying drones or other unmanned aerial vehicles over emergencies in a manner that impedes the ability of emergency responders to do their jobs by making those who do so subject to civil liability. The bill authorizes the Attorney General, county counsel, or city attorney to bring a civil action to enforce the prohibition and authorizes a prevailing plaintiff to recover civil penalty not exceeding \$75,000 for each violation, injunctive relief; and reasonable attorney’s fees and costs.

### 3. Addressing issues of press freedom

Existing federal law provides regulations for flying drones under the Small Unmanned Aircraft Systems regulations in Part 107 of Title 14 of the Code of Federal Regulations. If a media company does not meet those regulations, federal law authorizes media companies to seek a waiver to fly over people if they provide sufficient mitigations to ensure public safety.<sup>9</sup> This bill specifically states that it does not apply to a person who has been granted a Part 107 Operational Waiver issued by the Federal Aviation Administration pursuant to Section 107.200 of the Code of Federal Regulations. This provision is intended to ensure that those members of the press who are granted a waiver by the federal government to fly a drone for purposes of newsgathering are not prohibited to do so under this bill.

Nevertheless, the opposition writes that they fear this bill will have a chilling effect on the rights of the public and press to observe their government. They also argue that the bill is vague and unnecessary since existing law already makes impeding an emergency a crime under both state and federal law.

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<sup>8</sup> U.S. Att. Off., Cent. Dist. of Cal., Press Release, *Culver City Man Agrees to Plead Guilty to Recklessly Crashing Drone into Super Scooper Firefighting Aircraft During Palisades Fire*, (Jan, 31, 2025), available at <https://www.justice.gov/usao-cdca/pr/culver-city-man-agrees-plead-guilty-recklessly-crashing-drone-super-scooper>.

<sup>9</sup> Fed. Aviation Admin., *Part 107 Waivers*, available at [https://www.faa.gov/uas/commercial\\_operators/part\\_107\\_waivers](https://www.faa.gov/uas/commercial_operators/part_107_waivers).

4. Statements in support

The California Professional Firefighters write in support stating this bill ensures “that firefighters are able to carry out their lifesaving, dangerous work without the inhibition of civilian unmanned aircraft interference.”

The California Police Chiefs Association writes in support stating that they believe the bill “strikes the right balance between public safety and judicial oversight” and “helps create safer environments for emergency responder in California and deters individuals from using drones in these types of situations.”

The League of California Cities writes in support stating that during “the recent wildfires there were nine public drone incursions that resulted in the grounding of aerial firefighting efforts. AB 426 would prohibit the drone usage during an active emergency and provide penalties for these actions.”

5. Statements in opposition

The ACLU California Action, Californians United for a Responsible Budget, and Initiate Justice writes in opposition noting that “impeding emergency personnel with a drone is already prohibited under state and federal law” and that:

governments may use AB 426’s heavy civil liability to chill the public’s and journalists’ right to observe government conduct. This possibility is exacerbated by the fact that impeding emergency personnel is not defined in the bill. While in on-the-ground circumstances, impeding invokes physically standing in front of an officer, it is unclear how broadly the term is meant to apply to in-the-air contexts. This vagueness is especially concerning as it may allow governments to use AB 426 to go after people flying drones to observe government conduct during a situation where the government’s response does not include any drones or aerial vehicles. For example, police might claim they did not use a certain road because they were impeded by a civilian drone which was observing the road from above the sidewalk. Regardless of the lawsuit’s chances of success, the possibility for the government to bring such a claim may chill speech. [...]

**SUPPORT**

California Police Chiefs Association  
California Professional Firefighters  
California Special Districts Association  
California State Sheriffs' Association

**OPPOSITION**

ACLU California Action

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: None known.

**PRIOR VOTES**

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Emergency Management Committee (Ayes 7, Noes 0)

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