

Senator Howard A. Stephenson proposes the following substitute bill:

REGULATION OF DRONES

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Marc K. Roberts

LONG TITLE

General Description:

This bill establishes provisions for the appropriate use of an unmanned aerial vehicle.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts the "Government Use of Unmanned Aerial Vehicles Act";
- ▶ prohibits a law enforcement agency from obtaining data through an unmanned aerial

vehicle unless the data was obtained:

- pursuant to a warrant; ~~or~~
- in accordance with judicially recognized exceptions to warrant requirements; ~~or~~
- **under certain conditions, from a nongovernment actor.**

▶ establishes requirements for the retention and use of data collected by an unmanned aerial vehicle;

- ▶ establishes reporting requirements for:

- a law enforcement agency that operates an unmanned aerial vehicle; and
- the Utah Department of Public Safety; and

- ▶ provides a statement of intent.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **63G-18-101**, Utah Code Annotated 1953

31 **63G-18-102**, Utah Code Annotated 1953

32 **63G-18-103**, Utah Code Annotated 1953

33 **63G-18-104**, Utah Code Annotated 1953

34 **63G-18-105**, Utah Code Annotated 1953

35 **Uncodified Material Affected:**

36 ENACTS UNCODIFIED MATERIAL



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **63G-18-101** is enacted to read:

40 **CHAPTER 18. GOVERNMENT USE OF UNMANNED AERIAL VEHICLES ACT**

41 **63G-18-101. Title.**

42 This chapter is known as the "Government Use of Unmanned Aerial Vehicles Act."

43 Section 2. Section **63G-18-102** is enacted to read:

44 **63G-18-102. Definitions.**

45 As used in this chapter:

46 (1) "Law enforcement agency" means an entity of the state or an entity of a political
47 subdivision of the state, including an entity of a state institution of higher education, that exists
48 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

49 (2) "Non $\hat{S} \rightarrow [-] \leftarrow \hat{S}$ government actor" means a person that is not:

50 (a) an agency, department, division, or other entity within state government;

51 (b) a person employed by or acting in an official capacity on behalf of the state;

52 (c) a political subdivision of the state; or

53 (d) a person employed by or acting in an official capacity on behalf of a political
54 subdivision of the state.

55 (3) "Target" means a person upon whom, or a structure or area upon which a person:

56 (a) has intentionally collected or attempted to collect information through the operation

57 of an unmanned aerial vehicle; or

58 (b) plans to collect or attempt to collect information through the operation of an
59 unmanned aerial vehicle.

60 (4) (a) "Unmanned aerial vehicle" means an aircraft that:

61 (i) is capable of sustaining flight; and

62 (ii) operates with no possible direct human intervention from on or within the aircraft.

63 (b) "Unmanned aerial vehicle" does not include an unmanned aircraft that is flown:

64 (i) within visual line of sight of the individual operating the aircraft; and

65 (ii) strictly for hobby or recreational purposes.

66 Section 3. Section **63G-18-103** is enacted to read:

67 **63G-18-103. Warrant required -- Exceptions.**

68 §→ (1) ←§ A law enforcement agency may not obtain, receive, or use data acquired through
68a an

69 unmanned aerial vehicle unless the data is obtained:

70 §→ [(1)] (a) ←§ pursuant to a search warrant;

71 §→ [(2)] (b) ←§ in accordance with judicially recognized exceptions to warrant
71a requirements; or

72 §→ [(3)] (c) subject to Subsection (2), ←§ from a person who is a non §→ [-] ←§
72a government actor.

72a §→ (2) A nongovernment actor may only disclose data acquired through an
72b unmanned aerial vehicle to a law enforcement agency if:

72c (a) the data appears to pertain to the commission of a crime; or

72d (b) the nongovernment actor believes, in good faith, that:

72e (i) the data pertains to an imminent or ongoing emergency involving
72f danger of death or serious bodily injury to an individual; and

72g (ii) disclosing the data would assist in remedying the emergency. ←§

73 Section 4. Section **63G-18-104** is enacted to read:

74 **63G-18-104. Data retention.**

75 (1) Except as provided in this section, a law enforcement agency:

76 (a) may not use, copy, or disclose data collected by an unmanned aerial vehicle on a
77 person, structure, or area that is not a target; and

78 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as §→ [is] ←§
79 reasonably possible after the law enforcement agency collects or receives the data.

80 (2) A law enforcement agency is not required to comply with Subsection (1) if:

- 81 (a) deleting the data would also require the deletion of data that:
82 (i) relates to the target of the operation; and
83 (ii) is requisite for the success of the operation;
84 (b) the law enforcement agency receives the data:
85 (i) through a court order that:
86 (A) requires a person to release the data to the law enforcement agency; or
87 (B) prohibits the destruction of the data; or

- 88 (ii) from a person who is a non ~~§~~ [-] ~~←~~§ government actor;
 89 (c) (i) the data was collected inadvertently; and
 90 (ii) the data appears to pertain to the commission of a crime;
 91 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
 92 emergency situation; and
 93 (ii) using or disclosing the data would assist in remedying the emergency; or
 94 (e) the data was collected through the operation of an unmanned aerial vehicle over
 95 public lands outside of municipal boundaries.

96 Section 5. Section **63G-18-105** is enacted to read:

97 **63G-18-105. Reporting.**

98 (1) (a) Except as provided by Subsection (1)(b), before March 31 of each year, a law
 99 enforcement agency that operated an unmanned aerial vehicle in the previous calendar year
 100 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
 101 agency's website, a written report containing:

102 (i) the number of times the law enforcement agency operated an unmanned aerial
 103 vehicle in the previous calendar year;

104 (ii) the number of criminal investigations aided by the use of an unmanned aerial
 105 vehicle operated by the law enforcement agency in the previous calendar year;

106 (iii) a description of how the unmanned aerial vehicle was helpful to each investigation
 107 described in Subsection (1)(a)(ii);

108 (iv) the frequency with which data was collected, and the type of data collected, by an
 109 unmanned aerial vehicle operated by the law enforcement agency on any person, structure, or
 110 area other than a target in the previous calendar year;

111 (v) the number of times a law enforcement agency received, from a person who is not a
 112 law enforcement agency, data collected by an unmanned aerial vehicle ~~§~~ [-] ; and ~~←~~§

113 (vi) the total cost of the unmanned aerial vehicle program operated by the law
 114 enforcement agency in the previous calendar year.

115 (b) (i) A law enforcement agency that submits a report described in Subsection (1)(a)
 116 may exclude from the report information pertaining to an ongoing investigation.

117 (ii) A law enforcement agency that excludes information under Subsection (1)(b)(i)
 118 from the report shall report the excluded information to the Utah Department of Public Safety

119 on the annual report in the year following the year in which ~~the~~ information was excluded.

120 (2) Before May 31 of each year, the Utah Department of Public Safety shall, for all

121 reports received under Subsection (1) during the previous calendar year:

122 (a) transmit to the Government Operations Interim Committee and post on the

123 department's website a report containing:

124 (i) a summary of the information reported to the department;

125 (ii) the total number of issued warrants authorizing the operation of an unmanned aerial

126 vehicle; and

127 (iii) the number of denied warrants for the operation of an unmanned aerial vehicle;

128 and

129 (b) post on the department's website each report the department received.

130 **Section 6. Statement of intent.**

131 This chapter is intended to govern the use of an unmanned aerial vehicle by a law

132 enforcement agency. Nothing herein is intended to prohibit or impede the public and private

133 research, development, or manufacture of unmanned aerial vehicles. Unmanned aerial vehicles

134 will provide promising technological advances ~~which~~, if properly developed, will prove

135 beneficial to the health, safety, and welfare of the citizens of this state and greater society.