

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 data obtained through an unmanned aerial vehicle from being admissible as evidence in any court proceeding unless the data was obtained:
 - pursuant to a warrant; or
 - in accordance with judicially recognized exceptions to warrant requirements;
- ▶ establishes requirements for the retention and use of data collected by an unmanned aerial vehicle; and
- ▶ establishes reporting requirements for:
 - a law enforcement agency that operates an unmanned aerial vehicle; and
 - the Utah Department of Public Safety.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **63G-18-101**, Utah Code Annotated 1953

30 **63G-18-102**, Utah Code Annotated 1953

31 **63G-18-103**, Utah Code Annotated 1953

32 **63G-18-104**, Utah Code Annotated 1953

33 **63G-18-105**, Utah Code Annotated 1953



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

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

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

38 **63G-18-101. Title.**

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

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

41 **63G-18-102. Definitions.**

42 As used in this chapter:

43 (1) "Agent of the state" means:

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

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

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

47 (d) a person employed by or acting in an official capacity on behalf of a political

48 subdivision of the state.

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

52 (3) "Target" means a person upon whom, or a structure or area upon which an agent of
53 the state:

54 (a) has intentionally collected or attempted to collect information through the operation
55 of an unmanned aerial vehicle; or

56 (b) plans to collect or attempt to collect information through the operation of an

57 unmanned aerial vehicle.

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

59 (i) is capable of sustaining flight; and

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

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

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

63 (ii) strictly for hobby or recreational purposes.

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

65 **63G-18-103. Warrant required -- Exceptions.**

66 (1) Information obtained through an unmanned aerial vehicle is not admissible as
67 evidence in any court proceeding or adjudicative proceeding held to resolve an action filed by
68 an agent of the state unless the information is obtained:

69 (a) pursuant to a search warrant; or

70 (b) in accordance with judicially recognized exceptions to warrant requirements.

71 (2) Information obtained from the operation of an unmanned aerial vehicle may not be
72 used in an affidavit or other recorded testimony in an effort to obtain a search warrant unless
73 the information was obtained under a circumstance described in Subsection (1).

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

75 **63G-18-104. Data retention.**

76 (1) Except as provided in this section, an agent of the state:

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

79 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as is
80 reasonably possible after the agent of the state collects the data.

81 (2) An agent of the state is not required to comply with Subsection (1) if:

82 (a) deleting the data would also require the deletion of data that:

83 (i) relates to the target of the operation; and

84 (ii) is requisite for the success of the operation; or

85 (b) the agent of the state receives a court order requiring the release of the data or
86 prohibiting the destruction of the data.

87 (3) An agent of the state is not required to destroy, and may disclose, data collected by

88 an unmanned aerial vehicle on a person, structure, or area that is not a target if:

89 (a) (i) the data was collected inadvertently;

90 (ii) the data appears to pertain to the commission of a crime; and

91 (iii) the agent of the state reports the data to an appropriate law enforcement agency, or,

92 if the agent of the state is a law enforcement agency, the agent of the state takes appropriate
93 action;

94 (b) (i) the agent of the state reasonably determines that the data pertains to an
95 emergency situation;

96 (ii) disclosing the data would assist in remedying the emergency; and

97 (iii) the agent of the state reports the data to an appropriate law enforcement agency, or,

98 if the agent of the state is a law enforcement agency, the agent of the state takes appropriate
99 action; or

100 (c) the data was collected by the agent of the state while the agent of the state was
101 operating the unmanned aerial vehicle over public lands outside of municipal boundaries.

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

103 **63G-18-105. Reporting.**

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

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

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

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

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

117 (v) the number of times an agent of the state other than a law enforcement agency
118 reported data to the law enforcement agency under Subsection [63G-18-104\(3\)](#).

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

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

123 (ii) A law enforcement agency that excludes information under Subsection (1)(b)(i)
124 from the report shall report the excluded information to the Utah Department of Public Safety
125 on the annual report in the year following the year in which information was excluded.

126 (2) Before May 31 of each year, the Utah Department of Public Safety shall, for all
127 reports received under Subsection (1) during the previous calendar year:

128 (a) transmit to the Government Operations Interim Committee and post on the
129 department's website a report containing:

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

131 (ii) the total number of issued warrants authorizing the operation of an unmanned aerial
132 vehicle; and

133 (iii) the number of denied warrants for the operation of an unmanned aerial vehicle;
134 and

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