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Chapter 18 Unmanned Aircraft -- Drones

63G-18-101 Title.

This chapter is known as "Unmanned Aircraft -- Drones."

Amended by Chapter 101, 2016 General Session

63G-18-102 Definitions.

As used in this chapter:

- (1) "Law enforcement agency" means an entity of the state or an entity of a political subdivision of the state, including an entity of a state institution of higher education, that exists primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.
- (2) "Nongovernment actor" means a person that is not:
 - (a) an agency, department, division, or other entity within state government;
 - (b) a person employed by or otherwise acting in an official capacity on behalf of the state;
 - (c) a political subdivision of the state; or
 - (d) a person employed by or otherwise acting in an official capacity on behalf of a political subdivision of the state.
- (3) "Target" means a person upon whom, or a structure or area upon which, a person:
 - (a) has intentionally collected or attempted to collect information through the operation of an unmanned aircraft system; or
 - (b) plans to collect or attempt to collect information through the operation of an unmanned aircraft system.
- (4) "Testing site" means an area that:
 - (a) has boundaries that are clearly identified using GPS coordinates;
 - (b) a law enforcement agency identifies in writing to the Department of Public Safety, including the boundaries identified under Subsection (4)(a);
 - (c) is not more than three square miles; and
 - (d) contains no occupied structures.
- (5)
 - (a) "Unmanned aircraft system" means an aircraft that:
 - (i) is capable of sustaining flight; and
 - (ii) operates with no possible direct human intervention from on or within the aircraft.
 - (b) "Unmanned aircraft system" does not include an unmanned aircraft that is flown:
 - (i) within visual line of sight of the individual operating the aircraft; and
 - (ii) strictly for hobby or recreational purposes.

Amended by Chapter 269, 2015 General Session

63G-18-103 Unmanned aircraft system use requirements -- Exceptions -- Testing.

- (1) A law enforcement agency may not obtain, receive, or use data acquired through an unmanned aircraft system unless the data is obtained:
 - (a) pursuant to a search warrant;
 - (b) in accordance with judicially recognized exceptions to warrant requirements;
 - (c) subject to Subsection (2), from a person who is a nongovernment actor;

- (d) at a testing site; or
 - (e) to locate a lost or missing person in an area in which a person has no reasonable expectation of privacy.
- (2) A nongovernment actor may only disclose data acquired through an unmanned aircraft system to a law enforcement agency if:
- (a) the data appears to pertain to the commission of a crime; or
 - (b) the nongovernment actor believes, in good faith, that:
 - (i) the data pertains to an imminent or ongoing emergency involving danger of death or serious bodily injury to an individual; and
 - (ii) disclosing the data would assist in remedying the emergency.
- (3) A law enforcement agency that obtains, receives, or uses data acquired under Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law enforcement agency obtains, receives, or uses the data.
- (4) A law enforcement agency that operates an unmanned aircraft system under Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

Amended by Chapter 269, 2015 General Session

63G-18-104 Data retention.

- (1) Except as provided in this section, a law enforcement agency:
- (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a person, structure, or area that is not a target; and
 - (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as reasonably possible after the law enforcement agency collects or receives the data.
- (2) A law enforcement agency is not required to comply with Subsection (1) if:
- (a) deleting the data would also require the deletion of data that:
 - (i) relates to the target of the operation; and
 - (ii) is requisite for the success of the operation;
 - (b) the law enforcement agency receives the data:
 - (i) through a court order that:
 - (A) requires a person to release the data to the law enforcement agency; or
 - (B) prohibits the destruction of the data; or
 - (ii) from a person who is a nongovernment actor;
 - (c)
 - (i) the data was collected inadvertently; and
 - (ii) the data appears to pertain to the commission of a crime;
 - (d)
 - (i) the law enforcement agency reasonably determines that the data pertains to an emergency situation; and
 - (ii) using or disclosing the data would assist in remedying the emergency; or
 - (e) the data was collected through the operation of an unmanned aircraft system over public lands outside of municipal boundaries.

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63G-18-105 Reporting.

- (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law enforcement agency that operated an unmanned aircraft system in the previous calendar year

shall submit to the Utah Department of Public Safety, and make public on the law enforcement agency's website, a written report containing:

- (a) the number of times the law enforcement agency operated an unmanned aircraft system in the previous calendar year;
 - (b) the number of criminal investigations aided by the use of an unmanned aircraft system operated by the law enforcement agency in the previous calendar year;
 - (c) a description of how the unmanned aircraft system was helpful to each investigation described in Subsection (1)(b);
 - (d) the frequency with which data was collected, and the type of data collected, by an unmanned aircraft system operated by the law enforcement agency on any person, structure, or area other than a target in the previous calendar year;
 - (e) the number of times a law enforcement agency received, from a person who is not a law enforcement agency, data collected by an unmanned aircraft system; and
 - (f) the total cost of the unmanned aircraft system program operated by the law enforcement agency in the previous calendar year, including the source of any funds used to operate the program.
- (2)
- (a) A law enforcement agency that submits a report described in Subsection (1) may exclude from the report information pertaining to an ongoing investigation.
 - (b) A law enforcement agency that excludes information under Subsection (2)(a) from the report shall report the excluded information to the Utah Department of Public Safety on the annual report in the year following the year in which the investigation to which the information pertains is concluded.
- (3) A law enforcement agency is not required to submit, under Subsection (1), to the Department of Public Safety information pertaining to the use of an unmanned aircraft system operated at a testing site.
- (4) Before May 31 of each year, the Utah Department of Public Safety shall, for all reports received under Subsection (1) during the previous calendar year:
- (a) transmit to the Government Operations Interim Committee and post on the department's website a report containing:
 - (i) a summary of the information reported to the department;
 - (ii) the total number of issued warrants authorizing the operation of an unmanned aircraft system; and
 - (iii) the number of denied warrants for the operation of an unmanned aircraft system; and
 - (b) post on the department's website each report the department received.

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