

SB0167S02 compared with SB0167S01

~~{deleted text}~~ shows text that was in SB0167S01 but was deleted in SB0167S02.

inserted text shows text that was not in SB0167S01 but was inserted into SB0167S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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}~~ a law enforcement agency from obtaining data 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

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aerial vehicle;~~{and}~~

- ▶ 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

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-18-101, Utah Code Annotated 1953

63G-18-102, Utah Code Annotated 1953

63G-18-103, Utah Code Annotated 1953

63G-18-104, Utah Code Annotated 1953

63G-18-105, Utah Code Annotated 1953

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

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

CHAPTER 18. GOVERNMENT USE OF UNMANNED AERIAL VEHICLES ACT

63G-18-101. Title.

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

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

63G-18-102. Definitions.

As used in this chapter:

(1) "~~{Agent of the state" means}~~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.

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(2) "Non-government actor" means a person that is not:

- (a) an agency, department, division, or other entity within state government;
- (b) a person employed by or acting in an official capacity on behalf of the state;
- (c) a political subdivision of the state; or
- (d) a person employed by or acting in an official capacity on behalf of a political subdivision of the state.

~~{ (2) "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.~~

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

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

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

(4) (a) "Unmanned aerial vehicle" 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 aerial vehicle" 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.

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

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

~~{(1) Information obtained}~~ A law enforcement agency may not obtain, receive, or use data acquired through an unmanned aerial vehicle ~~{is not admissible as evidence in any court proceeding or adjudicative proceeding held to resolve an action filed by an agent of the state~~ unless the ~~{information}~~ data is obtained:

~~{a}1~~ 1 pursuant to a search warrant; ~~{or}~~

~~{b}2~~ 2 in accordance with judicially recognized exceptions to warrant requirements; ~~{~~

~~— (2) Information obtained from the operation of an unmanned aerial vehicle may not be used in an affidavit or other recorded testimony in an effort to obtain a search warrant unless~~

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~~the information was obtained under a circumstance described in Subsection (1); or~~

~~(3) from a person who is a non-government actor.~~

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

63G-18-104. Data retention.

(1) Except as provided in this section, ~~{an agent of the state}~~ a law enforcement agency:

(a) ~~may not use, copy, or disclose data collected by an unmanned aerial vehicle 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 is reasonably possible after the ~~{agent of the state}~~ law enforcement agency collects or receives the data.

(2) ~~{An agent of the state}~~ 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; ~~{or~~~~

~~— (b) the agent of the state receives a court order requiring the release of the data or prohibiting}~~

~~(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 ~~{.~~~~

~~— (3) An agent of the state is not required to destroy, and may disclose, data collected by an unmanned aerial vehicle on a person, structure, or area that is not a target if:~~

~~— (a); or~~

~~(ii) from a person who is a non-government actor;~~

~~(c) (i) the data was collected inadvertently; and~~

~~(ii) the data appears to pertain to the commission of a crime; ~~{and}~~~~

~~{(iii)} d) (i) the {agent of the state reports the data to an appropriate} law enforcement agency, or, if the agent of the state is a law enforcement agency, the agent of the state takes appropriate action;~~

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~~(b) (i) the agent of the state}~~ agency reasonably determines that the data pertains to an emergency situation; and

(ii) using or disclosing the data would assist in remedying the emergency; ~~and~~

~~(iii) the agent of the state reports the data to an appropriate law enforcement agency, or, if the agent of the state is a law enforcement agency, the agent of the state takes appropriate action; or~~

~~(c) or~~

(e) the data was collected ~~by~~ through the ~~agent of the state while the agent of the state was operating the}~~ operation of an unmanned aerial vehicle over public lands outside of municipal boundaries.

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

63G-18-105. Reporting.

(1) (a) Except as provided by Subsection (1)(b), before March 31 of each year, a law enforcement agency that operated an unmanned aerial vehicle 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:

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

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

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

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

(v) the number of times ~~an agent of the state other than } a law enforcement agency reported data to the}~~ received, from a person who is not a law enforcement agency ~~under Subsection 63G-18-104(3)}~~, data collected by an unmanned aerial vehicle.

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

(b) (i) A law enforcement agency that submits a report described in Subsection (1)(a)

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may exclude from the report information pertaining to an ongoing investigation.

(ii) A law enforcement agency that excludes information under Subsection (1)(b)(i) 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 information was excluded.

(2) 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 aerial vehicle; and

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

and

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

Section 6. Statement of intent.

This chapter is intended to govern the use of an unmanned aerial vehicle by a law enforcement agency. Nothing herein is intended to prohibit or impede the public and private research, development, or manufacture of unmanned aerial vehicles. Unmanned aerial vehicles will provide promising technological advances which, if properly developed, will prove beneficial to the health, safety, and welfare of the citizens of this state and greater society.