

Representative Scott D. Sandall proposes the following substitute bill:

**GOVERNMENT USE OF UNMANNED AERIAL VEHICLES -
AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

Senate Sponsor: Alvin B. Jackson

LONG TITLE

General Description:

This bill amends the provisions of Title 63G, Chapter 18, Government Use of Unmanned Aerial Vehicles Act.

Highlighted Provisions:

This bill:

- ▶ allows a law enforcement agency to use an unmanned aircraft system to collect certain types of data;
- ▶ institutes testing requirements for a law enforcement agency's use of an unmanned aircraft system;
- ▶ amends the reporting requirements for a law enforcement agency that operates an unmanned aircraft system; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **63G-18-101**, as enacted by Laws of Utah 2014, Chapter 399

28 **63G-18-102**, as enacted by Laws of Utah 2014, Chapter 399

29 **63G-18-103**, as enacted by Laws of Utah 2014, Chapter 399

30 **63G-18-104**, as enacted by Laws of Utah 2014, Chapter 399

31 **63G-18-105**, as enacted by Laws of Utah 2014, Chapter 399



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

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

35 **CHAPTER 18. GOVERNMENT USE OF UNMANNED**
36 **AIRCRAFT SYSTEMS ACT**

37 **63G-18-101. Title.**

38 This chapter is known as the "Government Use of Unmanned [~~Aerial Vehicles~~] Aircraft
39 Systems Act."

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

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

42 As used in this chapter:

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

46 (2) "Nongovernment actor" means a person that is not:

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

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

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

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

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

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

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

57 unmanned ~~[aerial vehicle]~~ aircraft system.

58 (4) "Testing site" means an area that:

59 (a) has boundaries that are clearly identified using GPS coordinates;

60 (b) a law enforcement agency identifies in writing to the Department of Public Safety,

61 including the boundaries identified under Subsection (4)(a);

62 (c) is not more than three square miles; and

63 (d) contains no occupied structures.

64 ~~[(4)]~~ (5) (a) "Unmanned ~~[aerial vehicle]~~ aircraft system" means an aircraft that:

65 (i) is capable of sustaining flight; and

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

67 (b) "Unmanned ~~[aerial vehicle]~~ aircraft system" does not include an unmanned aircraft
68 that is flown:

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

70 (ii) strictly for hobby or recreational purposes.

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

72 **63G-18-103. Unmanned aircraft system use requirements -- Exceptions --**

73 **Testing.**

74 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
75 unmanned ~~[aerial vehicle]~~ aircraft system unless the data is obtained:

76 (a) pursuant to a search warrant;

77 (b) in accordance with judicially recognized exceptions to warrant requirements; ~~[or]~~

78 (c) subject to Subsection (2), from a person who is a nongovernment actor~~[-]~~;

79 (d) at a testing site; or

80 (e) to locate a lost or missing person in an area in which a person has no reasonable
81 expectation of privacy.

82 (2) A nongovernment actor may only disclose data acquired through an unmanned
83 ~~[aerial vehicle]~~ aircraft system to a law enforcement agency if:

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

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

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

88 (ii) disclosing the data would assist in remedying the emergency.

89 (3) A law enforcement agency that obtains, receives, or uses data acquired under
90 Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law
91 enforcement agency obtains, receives, or uses the data.

92 (4) A law enforcement agency that operates an unmanned aircraft system under
93 Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

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

95 **63G-18-104. Data retention.**

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

97 (a) may not use, copy, or disclose data collected by an unmanned [~~aerial vehicle~~]
98 aircraft system on a person, structure, or area that is not a target; and

99 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
100 reasonably possible after the law enforcement agency collects or receives the data.

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

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

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

104 (ii) is requisite for the success of the operation;

105 (b) the law enforcement agency receives the data:

106 (i) through a court order that:

107 (A) requires a person to release the data to the law enforcement agency; or

108 (B) prohibits the destruction of the data; or

109 (ii) from a person who is a nongovernment actor;

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

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

112 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
113 emergency situation; and

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

115 (e) the data was collected through the operation of an unmanned [~~aerial vehicle~~]
116 aircraft system over public lands outside of municipal boundaries.

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

118 **63G-18-105. Reporting.**

119 (1) ~~(a)~~ Except as provided by ~~[Subsection (1)(b)]~~ Subsections (2) and (3), before
120 March 31 of each year, a law enforcement agency that operated an unmanned ~~[aerial vehicle]~~
121 aircraft system in the previous calendar year shall submit to the Utah Department of Public
122 Safety, and make public on the law enforcement agency's website, a written report containing:

123 ~~(i)~~ (a) the number of times the law enforcement agency operated an unmanned ~~[aerial~~
124 ~~vehicle]~~ aircraft system in the previous calendar year;

125 ~~(ii)~~ (b) the number of criminal investigations aided by the use of an unmanned ~~[aerial~~
126 ~~vehicle]~~ aircraft system operated by the law enforcement agency in the previous calendar year;

127 ~~(iii)~~ (c) a description of how the unmanned ~~[aerial vehicle]~~ aircraft system was
128 helpful to each investigation described in Subsection (1)~~(a)(ii)(b)~~;

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

132 ~~(v)~~ (e) the number of times a law enforcement agency received, from a person who is
133 not a law enforcement agency, data collected by an unmanned ~~[aerial vehicle]~~ aircraft system;
134 and

135 ~~(vi)~~ (f) the total cost of the unmanned ~~[aerial vehicle]~~ aircraft system program
136 operated by the law enforcement agency in the previous calendar year~~[-]~~, including the source
137 of any funds used to operate the program.

138 ~~(b)(i)~~ (2)(a) A law enforcement agency that submits a report described in Subsection
139 (1)~~(a)~~ may exclude from the report information pertaining to an ongoing investigation.

140 ~~(i)~~ (b) A law enforcement agency that excludes information under Subsection
141 ~~(1)(b)(i)~~ (2)(a) from the report shall report the excluded information to the Utah Department
142 of Public Safety on the annual report in the year following the year in which the ~~[information~~
143 ~~was excluded]~~ investigation to which the information pertains is concluded.

144 (3) A law enforcement agency is not required to submit, under Subsection (1), to the
145 Department of Public Safety information pertaining to the use of an unmanned aircraft system
146 operated at a testing site.

147 ~~(2)~~ (4) Before May 31 of each year, the Utah Department of Public Safety shall, for
148 all reports received under Subsection (1) during the previous calendar year:

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

150 department's website a report containing:

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

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

153 [~~aerial vehicle~~] aircraft system; and

154 (iii) the number of denied warrants for the operation of an unmanned [~~aerial vehicle~~]

155 aircraft system; and

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

157 Section 6. **Effective date.**

158 If approved by two-thirds of all the members elected to each house, this bill takes effect

159 upon approval by the governor, or the day following the constitutional time limit of Utah

160 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

161 the date of veto override.