

An act to regulate the use of unmanned aerial vehicles.

Section 1. Definitions. In this chapter:

- (a) Agent of the state or any political subdivision thereof has been given meaning in **[Insert section of state code providing this definition]**.
- (b) The term “unmanned aerial vehicle” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Section 2. Use of Unmanned Aerial Vehicles.

- (a) Acquisition of unmanned aerial vehicles must be approved by the legislative body overseeing the agent of the state or any political subdivision thereof seeking such acquisition.
- (b) Except as provided in subsection (c), it is unlawful for an agent of the state or any political subdivision thereof to operate an unmanned aerial vehicle or to disclose or receive information acquired through the operation of an unmanned aerial vehicle.
- (c) Exceptions
 - (1) Consent- It shall not be unlawful under this chapter to disclose or receive information about any person acquired through the operation of an unmanned aerial vehicle if such person has given written consent to such disclosure.
 - (2) Exception for Emergency Situations- It shall not be unlawful under this chapter for an agent of the state or any political subdivision thereof to operate an unmanned aerial vehicle and for information from such operation to be disclosed or received if the unmanned aerial vehicle is used in circumstances in which it is reasonable to believe that there is an imminent threat to the life or safety of a person, to assist the person subject to the following limitations:
 - (A) the request shall document the factual basis for the emergency and
 - (B) not later than 48 hours after the agent of the state or any political subdivision thereof begins operation of an unmanned aerial vehicle, a supervisory official shall file a sworn statement with the appropriate court setting forth the grounds for the emergency use.
 - (3) Warrant- An unmanned aerial vehicle may be operated and information from such operation disclosed in order to collect information only pursuant to a warrant issued under **[Insert reference to state rules of criminal procedure for issuing warrants]**.
 - (4) Exception for non-law enforcement operations - It shall not be unlawful under this chapter for an agent of the state or any political subdivision thereof to operate an unmanned aerial vehicle and for information from such operation to be disclosed if no part of any information and no evidence derived from such operation may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the **[State]** or a political subdivision thereof, or for any intelligence purpose.
- (d) When unmanned aerial vehicles are used pursuant to subsection (c), they shall be operated in a manner to collect data only on the target and to avoid data collection on individuals, homes, or areas other than the target. Neither facial recognition nor other biometric matching technology may be used on non-target data collected by an unmanned aerial vehicle.
- (e) Unmanned aerial vehicles may not be equipped with weapons.

Section 3. Data Retention

- (a) No data collected on an individual, home, or area other than the target that justified deployment may be used, copied, or disclosed for any purpose. Such data must be deleted as soon as possible, and in no event later than 24 hours after collection.
- (b) Whenever an agent of the state or any political subdivision thereof uses an unmanned aerial vehicle, no part of information acquired and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the [State] or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

Section 4. Exigent Circumstances Exception

- (a) Emergency Situation Exception- Notwithstanding any other provision of this chapter, an agent of the state or any political subdivision thereof may operate an unmanned aerial vehicle and disclose information from such operation if—
 - (1) such agent of the state or any political subdivision thereof reasonably determines that an emergency situation exists that--
 - (A) involves--
 - (i) immediate danger of death or serious physical injury to any person;
 - (ii) conspiratorial activities threatening the national security interest; or
 - (iii) conspiratorial activities characteristic of organized crime; and
 - (B) requires operation of an unmanned aerial vehicle before a warrant authorizing such interception can, with due diligence, be obtained;
 - (2) there are grounds upon which such a warrant could be entered to authorize such operation; and
 - (3) an application for a warrant approving such operation is made within 48 hours after the operation begins to occur.
- (b) Failure To Obtain a Warrant -
 - (1) TERMINATION OF ACQUISITION- In the absence of a warrant, an operation of an unmanned aerial vehicle carried out under subsection (a) shall immediately terminate when the information sought is obtained or when the application for the warrant is denied, whichever is earlier.
 - (2) PROHIBITION ON USE AS EVIDENCE- In the event such application for approval is denied, the information obtained from the operation of an unmanned aerial vehicle shall be treated as having been obtained in violation of this chapter and an inventory shall be served on the person named in the application.

Section 5. Delayed Notice.

- (a) An agent of the state or any political subdivision thereof under Section 2(c)(3) or Section 4 of this title may, where a warrant is sought, include in the application a request, which the court shall grant, for an order delaying the notification required under [Insert reference to state rules of criminal procedure for issuing warrants] for a period not to exceed ninety days, if the court determines that there is reason to believe that notification of the existence of the warrant may have an adverse result described in paragraph (b) of this subsection.
- (b) An adverse result for the purposes of paragraph (a) of this subsection is-
 - (1) endangering the life or physical safety of an individual;

- (2) flight from prosecution;
 - (3) destruction of or tampering with evidence;
 - (4) intimidation of potential witnesses; or
 - (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.
- (c) Extensions of the delay of notification of up to ninety days each may be granted by the court upon application, or by certification by the agent of the state or any political subdivision thereof.
- (d) Upon expiration of the period of delay of notification, the agent of the state or any political subdivision thereof shall serve upon, or deliver by registered or first-class mail to, a copy of the warrant upon the person or persons upon whom information was collected together with notice that--
- (1) states with reasonable specificity the nature of the law enforcement inquiry; and
 - (2) informs the person or persons upon whom information was collected --
 - (A) that notification of such customer or subscriber was delayed;
 - (B) what governmental entity or court made the certification or determination pursuant to which that delay was made; and
 - (C) which provision of this chapter allowed such delay.

Section 6. Administrative Discipline

- (a) **Administrative Discipline-** If a court or appropriate department or agency determines that an agent of the state or any political subdivision thereof has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not the agent of the state or any political subdivision thereof acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the agent of the state or any political subdivision thereof is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, such head shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.
- (b) **Improper Disclosure Is Violation-** Any willful disclosure or use by an agent of the state or any political subdivision thereof of information beyond the extent permitted by this chapter is a violation of this chapter for purposes of this section.

Section 7. Reporting

- (a) In June of each year, any agent of the state or political subdivision thereof that uses unmanned aerial vehicles shall report to the legislature and make public on its website:
- (1) The number of times an unmanned aerial vehicle was used, organized by the types of incidents and the types of justification for deployment;
 - (2) The number of crime investigations aided by the use of unmanned aerial vehicles. A description of how the unmanned aerial vehicle was helpful to each investigation should be included;
 - (3) The number of uses of unmanned aerial vehicles for reasons other than criminal investigations. A description of how the unmanned aerial vehicle was helpful in each instance should be included;
 - (4) The frequency and type of data collected on individuals or areas other than targets; and
 - (5) The total cost of their unmanned aerial vehicle program.

- (b) In January of each year, any judge who has issued a warrant (or an extension thereof) under Section 2(c)(3) or Section 4 that expired during the preceding year, or who has denied approval during that year, shall report to the [Administrative Office of the Courts]—
- (1) the fact that a warrant or extension was applied for;
 - (2) the fact that the warrant or extension was granted as applied for, was modified, or was denied;
 - (3) the period of unmanned aerial vehicle use authorized by the warrant, and the number and duration of any extensions of the warrant;
 - (4) the offense specified in the warrant or application, or extension of a warrant; and
 - (5) the identity of the applying agent of the state or political subdivision thereof making the application and the person authorizing the application.
- (c) In March of each year the Attorney General, an Assistant Attorney General specially designated by the Attorney General, or the principal prosecuting attorney of [State], or the principal prosecuting attorney for any political subdivision of the state, shall report to the [Administrative Office of the Courts]—
- (1) the information required by paragraphs (1) through (6) of subsection (b) of this section with respect to each application for a warrant or extension made during the preceding calendar year;
 - (2) a general description of the information gathered under such warrant or extension, including
 - (D) the approximate nature and frequency of incriminating conduct gathered,
 - (E) the approximate number of persons upon whom information was gathered, and
 - (F) the approximate nature, amount, and cost of the manpower and other resources used in the collection;
 - (3) the number of arrests resulting from information gathered and the offenses for which arrests were made;
 - (4) the number of trials resulting from such information;
 - (5) the number of motions to suppress made with respect to such information, and the number granted or denied;
 - (6) the number of convictions resulting from such information and the offenses for which the convictions were obtained and a general assessment of the importance of the information; and
- (d) In June of each year the Director of the [Administrative Office of the Courts] shall transmit to the legislature and post on its website a full and complete report concerning the number of applications for warrants authorizing or approving operation of unmanned aerial vehicles or disclosure of information from the operation of unmanned aerial vehicles pursuant to this chapter and the number of warrants and extensions granted or denied pursuant to this chapter during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the [Administrative Office] by subsections (b) and (c) of this section.