



2015 CLM Annual Conference

Palm Desert

**Personal Drones and Quadcopters:
Useful for Business, Fun as a Hobby or Liability Magnet?**

Presenters: Phinorice Boldin, Fineman Krekstein & Harris PC
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Drone Usage Takes Off

Drones (also known as unmanned aircraft (“UA”) and unmanned aerial systems (“UAS”)) have been with us for decades, but, because of their many sizes, affordability, and ease of operation, they have become far more prevalent in the past decade. Gaining particular popularity among private owners of drones are “quadcopters,” which have four propellers, and take off and land similar to helicopters. Many drones are designed to allow owners to equip their quadcopters with cameras to take aerial photographs and videos. As noted in the list of hyperlinks below, finding sensational drone footage is becoming commonplace. Both aerial footage of stunning shots taken by drones, and “humorous” videos of drone failures, now appear on the internet almost daily. However, increased drone usage, both privately and for commercial purposes, poses privacy and trespass concerns, as well as safety and liability issues. The rapid uptick in drone usage seems to be outpacing the development of laws or regulations that might govern them.

Legislation

It only seems logical that the Federal Aviation Administration (“FAA”) would be the first place to look for laws regulating the operation of drones. Surprisingly, however, attempting to do so is akin to playing a game of connect-the-dots without the benefit of the numbers. First, when the FAA’s regulations were initially promulgated over a half-century ago, nothing in them specifically regulated the operation of drones. Second, it was only over time that the FAA, in a piecemeal-fashion, started to address the operation of drones by issuing a series of “advisory circulars” and policy statements.

Because of the ambiguity, vagueness, and over-breadth of these advisory circulars and policy statements, the regulation of drones currently remains in a state of flux. The FAA essentially stuck its regulatory nose in drone usage in a situation that ended in a case styled *FAA v. Pirker*. Raphael Pirker was contracted by the University of Virginia to shoot a publicity video of the campus, for which he used his camera-equipped drone. Upon learning of this, the FAA fined Pirker \$10,000 for violating its regulations restricting the use of “commercial” drones. In March, 2013, however, a federal administrative law judge (“ALJ”) sided with Pirker, holding, in essence, that Pirker’s drone constituted a model aircraft, and, because the FAA did not have regulations governing model aircraft, the FAA’s rules restricting the use of commercial drones were non-binding and non-regulatory. Rather, Pirker was subject only to the FAA’s “requested

voluntary compliance” rules (FAA Advisory Circular 91-57) for model aircraft hobbyists: flying below 400 feet; selection of an operating site of sufficient distance from populated areas; and not flying the model aircraft within three miles of an airport without first notifying the control tower or flight service station. Since the FAA is appealing, the decision has, in effect, been stayed. The FAA has been tasked by Congress to design new regulations by September 2015 governing the use and operation of drones. In a step towards addressing that task, the FAA, in 2013, released its roadmap on the integration of unmanned aircraft into national airspace. Since last year, 13 states have enacted their own laws regulating the operation and use of drones. These state laws (see attached “Compendium” of state laws) are not uniform and, although many are applicable to state agencies, some apply to private operators as well. In Tennessee, it is illegal to use a drone to photograph hunters and fishermen without their consent. It is illegal in Wisconsin to equip a drone with a weapon. Texas and Montana prohibit a private operator from using a drone to conduct surveillance of or photograph an individual on private property without first obtaining the individual’s consent. A drone operator in Oregon is prohibited from flying a drone less than 400 feet over another person’s private property without first obtaining consent of the owner or resident.

So far this year, 36 states attempted to follow the 13 other states by introducing or attempting to pass legislation regulating the operation and use of drones. Many of these states will revisit these issues during their next legislative sessions. What this means is that, in order to fill in the void created by the FAA, more and more states are passing their own laws regulating the operation and use of drones, whether directed to state agencies or private individuals or both.

Private Drone Usage

With improved technology and lowering prices (as well as the “cool” factor of attaching a GoPro or other such camera to get shots never seen before), the private use of drones - particularly the “quadcopter” type – has been skyrocketing (pun intended). Private usage has included not only personal photography, but also gaming and sportsmanship, the satisfaction of personal curiosities, and various nefarious activities.

Many private “fight clubs”—of sorts—have been organized throughout the United States in which drone operators engage in aerial dogfights against each other. Usually, the drones will attack each other in “bumper-car” fashion or by attempting to force another drone to crash into the ground. And sometimes drones will be equipped with nonlethal weapons consisting of, for example, paint balls or small spring-loaded or air-powered missiles for shooting each other. Precautionary methods should be implemented when using drones in this manner to ensure that they do not crash into other operators or spectators, and that people are not struck by stray missiles. In fact, some states have enacted laws or introduced legislation outlawing drones from being equipped with lethal and *nonlethal* weapons. As a caveat, a state’s statutes should be consulted to determine whether there are any laws restricting drones in such a manner, and to determine the legal definition of *nonlethal*.

Drones have made their way into hunting and fishing. Although drones have been used in hunting to locate wildlife, one drone operator actually demonstrated how a drone could be used to catch a fish. Of course, on the other side of such activities are some animal activists who have

used drones for the purpose of interfering with hunters by disturbing wildlife. It is worth noting, however, that some states have enacted laws prohibiting such uses.

The private use of drones has also found its way for photographing accident scenes. Such uses have not been connected with insurance investigations or news coverage (both of which could violate FAA restrictions for commercial purposes), but by those seeking to satisfy their own morbid curiosities. Such usage could have disastrous consequences. This could have been the case in Clark County, Ohio this past April where a drone operator was arrested for allegedly hindering the landing of a medical helicopter at the scene of a serious automobile accident. Not only could the accident victim have been delayed of life-saving medical treatment, but there was a possibility that the drone could have come in contact with helicopter's rotary blade, causing an even more disastrous event.

This past July in Ulster, New York, a drone operator was arrested for flying his drone outside the examination room windows of a newly-opened medical facility. The operator defended his actions by claiming that he merely wanted to "capture some very brief footage" of the facility which he had earlier visited with his mother a patient. While general issues involving drone usage have been the subject of some of the attempts to legislate drone usage, the issue of "privacy" rights of persons who may be seen or photographed from the air has been largely unaddressed. Those are issues that may be visited for the first time in eventual civil litigation between private citizens.

Then, there is the dark side involving the use of drones. In Bishopville, South Carolina this past summer, authorities discovered quantities of marijuana, cigarettes, and cellphones scattered among bushes in a field. Found in the middle of the small debris field was a drone. What was particular concerning to the authorities was that the crash site was in a no-man's land surrounding a maximum security prison. The authorities surmised that the operator was attempting to land the drone within the confines of the prison.

Whether for legitimate or non-legitimate purposes, the private use of drones is increasing. One electronics store in New York reportedly sells approximately 200 drones per day, and it is estimated that the national market for small drones will reach \$1.33 billion by the end of 2014. The majority of states' laws and legislative bills introduced pertaining to the operation of drones applies to governmental use, while only a small portion pertains to private use. This means that drone operators will need to keep up to date with laws and proposed legislation pending in their respective states. Even in the absence thereof, private drone operators must remember that they may very well be held accountable under other state laws and common law for any adverse consequences arising from negligent and improper use of drones.

CLM Presentation Discussion Scenarios:

1. An individual playing with his new drone with a mounted GoPro camera flies it over his next door neighbor's yard. When the camera comes back and he uploads the disc, he has photos of his neighbor's 16 year-old daughter engaged in sex with the 19 year old pool boy. Should he delete the photos? Would doing so constitute a crime or tort (spoliation) since the photos are evidence of a felony (statutory rape)? Do they constitute child pornography? Is there invasion of privacy liability? Trespass? What claims can be

brought if he disseminates the photos to anyone (police, neighbor, others)? And is any of this conduct covered by liability insurance?

2. A filmmaker flies a camera-equipped drone over the private property of a pig farm and discovers evidence of open sewage lagoons filled with pig feces and waste, which are emptied by spraying the nearby fields with the fluid from the lagoon, much of which is actually being spread over a nearby residential area. There is likewise evidence of extremely cruel “living conditions” of the pigs, which are packed so tightly that they can’t even move. [Actual Incident – see hyperlink above]. What legal issues arise? Is a filmmaker a “commercial” user and subject to FAA restrictions? Are there privacy/trespass violations? Is there any tort liability to the pig farm owner? What insurance carried by the filmmaker may provide coverage and/or defenses to any litigation brought by the pig farm owner?
3. A small twin-engine plane making an approach to a municipal airport loses an engine on approach, just over a residential area, and crashes, killing the pilot and passenger. Investigation reveals that a small drone was in the path, over private property, and was sucked into the engine. Is there liability to the drone owner/operator if the drone was over his own property? Would the liability answer be different if the drone was just outside of his property line and over airport property? Does homeowner’s insurance cover this? How does liability change if the drone was being operated by a claims adjuster for a property insurance carrier to exam roof and property damage after a storm?

News Stories Related to Drone Usage and Challenges

http://www.washingtonpost.com/world/national-security/faa-drone-approvals-bedeveled-by-warnings-conflict-internal-e-mails-show/2014/12/21/69d8a07a-86c2-11e4-a702-fa31ff4ae98e_story.html

<http://www.nbcnewyork.com/news/local/Police-Seek-Drone-Operators-Pilots-Flew-Near-Planes-275738091.html>

<http://www.nbcphiladelphia.com/news/weird/Drone-Shot-Down-Lower-Township-277605811.html>

<http://www.nbcnews.com/watch/nightly-news/airlines-report-increase-in-close-calls-with-drones-361002051910>

<http://www.people.com/article/miley-cyrus-selena-gomez-paparazzi-drones>

<http://profootballtalk.nbcsports.com/2014/08/27/faa-investigating-drone-flight-over-panthers-chiefs-game/>

<http://www.upworthy.com/a-drone-flew-over-a-pig-farm-to-discover-its-not-really-a-farm-its-something-much-more-disturbing>

Drone Crash or Use Videos

<http://www.nbcnews.com/news/weird-news/watch-kangaroo-punch-drone-out-sky-n271806>

<https://www.youtube.com/watch?v=oqwWrG9-uX4>

<https://www.youtube.com/watch?v=C-0MA6QNj6g>

https://www.youtube.com/watch?v=AhDG_WBIQgc

<https://www.youtube.com/watch?v=QIvpcBQo2BM#t=205>

Drone Accident Map

<http://rocdocs.democratandchronicle.com/map/domestic-drone-accidents>



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Alabama	Senate Bill 240 (introduced in 2014): Amended current existing law (Section 9-11-270, Alabama Code) to prohibit a person from intentionally and knowingly using a drone or any aerial vehicle to harass a person who is legally hunting and fishing.	Passed Senate but legislature adjourned without any further action.
Alaska	House Bill 159 (introduced during 2013-2014 Legislative Session): Defines the unlawful use of an UAV by any person, of which would constitute an invasion of privacy. Certain exceptions would have included: use pursuant to a warrant; monitoring public land and an international border; search and rescue operations; situations in which danger or death is imminent; emergency situations for purpose of mitigating harm to the environment; research by an accredited institution of higher education; and monitoring private land with the consent of the landowner. Prohibited the unlawful use and operation of UAVs for obtaining information for use in civil and criminal actions or proceedings. Effective July 1, 2014, Alaska Board of Game Regulations prohibits the use of any remotely controlled airborne device to spot or locate game.	Legislature adjourned without taking any further action on HB 159.
Arizona	House Bill 2538 (introduced in 2014): Prohibited the unauthorized use of a UAV by a law enforcement agent without first obtaining a search warrant. Any information obtained without a search warrant would be inadmissible in any civil or criminal trial.	Legislature adjourned without taking any further action.
Arkansas	House Bill 1904 (introduced in 2013) prohibits the unauthorized use of an UAV by a law enforcement agent without first obtaining a search warrant, unless consented to by the person; and prohibited the use of an UAV to be used for facial recognition or other biometric matching technology on non-target data. In emergencies, where a warrant could not be obtained with due diligence, an UAV could be used in situations involving the immediate danger of death or serious physical injury to a person; conspiratorial activities threatening interest to national security; or conspiratorial activities characteristic of organized crime. HB 1904 also prohibited UAVs being equipped with weapons. Senate Bill 1109 (introduced in 2013) prohibits a person from using a UAV to record another person or another person's property except in those situations where: (1) the other person consents; (2) used by a law enforcement officer, or a person operating the UAV at request of the officer, and it is operated as part of the officer's official duties; or (3) used by an employee of an emergency assistance entity, or by a person at the employee's request, and it is operated as part of the employee's official duties.	HB 1904 died in House Committee. SB 1109 died in the Senate.
California	Assembly Bill 1327 (introduced in 2013) defines unmanned aerial system. Law enforcement agencies may use an UAS pursuant to a warrant, but does not need a warrant in the following situations: in emergency situations if there is an	Assembly Bill 1327 was enrolled and presented to the governor on 09/08/2014. Governor

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	<p>imminent threat to life or of great bodily harm, including but not limited to fires, hostage crises, hot pursuits, and search and rescue operations; to assess the necessity of first responders in situations relating to traffic accidents, and to inspect state parks and wilderness areas for vegetation or fires; use by a public agency other than law enforcement agencies in order to achieve the core mission of the public agency provided that the purpose is unrelated to the gathering of criminal intelligence. Unless authorized by federal law, a UAS shall not be equipped with a weapon. Surveillance restriction provided elsewhere by statute shall apply to UASs. This title is not intended to preempt federal law.</p> <p>Senate Bill 15 (introduced in 2013):</p> <p> Defines unmanned aircraft system.</p> <p> Mandates that public and private operators of UASs have a responsibility not to infringe on the rights, property, or privacy of the citizens of California.</p> <p> A UAS shall not be equipped with a weapon.</p> <p> A person is liable for: (a) physical invasion of privacy when the defendant knowingly enters onto the land of another person without permission or otherwise committed a trespass in order to physically invade the privacy of the plaintiff with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a personal or familial activity and the physical invasion occurs in a manner that is offensive to a reasonable person; (b) constructive invasion of privacy when the defendant attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, or through the use of an UAS, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the visual or auditory enhancing device or unmanned aircraft system was used; (c) an assault or false imprisonment committed with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff.</p> <p> The transmission, publication, broadcast, sale, offer for sale, or other use of any visual image, sound recording, or other physical impression that was taken or captured in violation of subdivision (a), (b), or (c) above shall not constitute a violation unless the person, in the first transaction following the taking or capture of the visual image, sound recording, or other physical impression, publicly transmitted, published, broadcast, sold or offered for sale, the visual image, sound recording, or other physical impression with actual knowledge that it was taken or captured in violation of</p>	<p>Brown vetoed it on 09/28/2014, explaining that it was too narrow and could go beyond what the State and Federal constitutions would prohibit.</p> <p>Senate Bill 15 – Last action was on 08/27/2014 when it was granted reconsideration.</p> <p>Assembly Bill 1256 was enrolled and presented to the governor on 09/10/2014. This Bill is similar in some respect to Senate Bill 15 but does not specifically make any mention of UASs. Approved by Governor Brown on 09/30/2014 and appears in Chapter 852 California Statutes.</p> <p>Assembly Bill 1356 was enrolled and presented to the governor on 09/08/2014. This Bill does not specifically make any mention of UASs. Approved by Governor Brown on 09/30/2014 and appears in Chapter 852 California Statutes.</p>
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	<p>subdivision (a), (b), or (c), and was provided compensation, consideration, or remuneration, monetary or otherwise, for the rights to the unlawfully obtained visual image, sound recording, or other physical impression.</p> <p>A plaintiff aggrieved under subdivisions (a), (b), or (c) above is entitled to a private cause of action in law and equity; and to punitive damages and treble damages. If the plaintiff proves that the invasion of privacy was committed for a commercial purpose, the defendant shall also be subject to disgorgement to the plaintiff of any proceeds or other consideration obtained as a result of the violation of this section. A person who comes within the description of this subdivision is also subject to a civil fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000).</p> <p>This section does not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited by this section are for the purpose of construction, maintenance, conduct or operation of the services and facilities of the public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.</p> <p>This section shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel or employees of governmental agencies or other entities, either public or private who, in the course and scope of their employment, and supported by an articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of any conduct to obtain evidence of suspected illegal activity or other misconduct, the suspected violation of any administrative rule or regulation, a suspected fraudulent conduct, or any activity involving a violation of law or business practices or conduct of public officials adversely affecting the public welfare, health, or safety.</p> <p>A law enforcement agency shall obtain a search warrant to use an UAS. A search warrant is not required under circumstances where there is an exception to the search warrant requirement, or under exigent circumstances.</p> <p>A public agency may use an unmanned aircraft system only for purposes within the scope of that agency's authorized duties and responsibilities.</p> <p>Assembly Bill 1256 (introduced in 2014):</p> <p>A person is liable for: (a) physical invasion of privacy when the defendant knowingly enters onto the land of another</p>	
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	<p>person without permission or otherwise committed a trespass in order to physically invade the privacy of the plaintiff with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal or familial activity and the physical invasion occurs in a manner that is offensive to a reasonable person; (b) constructive invasion of privacy when the defendant attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, or through the use of an UAS, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the visual or auditory enhancing device was used; (c) an assault or false imprisonment committed with the intent to capture any type of visual image, sound recording, or other physical impression of the plaintiff.</p> <p>The transmission, publication, broadcast, sale, offer for sale, or other use of any visual image, sound recording, or other physical impression that was taken or captured in violation of subdivision (a), (b), or (c) above shall not constitute a violation unless the person, in the first transaction following the taking or capture of the visual image, sound recording, or other physical impression, publicly transmitted, published, broadcast, sold or offered for sale, the visual image, sound recording, or other physical impression with actual knowledge that it was taken or captured in violation of subdivision (a), (b), or (c), and was provided compensation, consideration, or remuneration, monetary or otherwise, for the rights to the unlawfully obtained visual image, sound recording, or other physical impression.</p> <p>A plaintiff aggrieved under subdivisions (a), (b), or (c) above is entitled to a private cause of action in law and equity; and to punitive damages and treble damages. If the plaintiff proves that the invasion of privacy was committed for a commercial purpose, the defendant shall also be subject to disgorgement to the plaintiff of any proceeds or other consideration obtained as a result of the violation of this section. A person who comes within the description of this subdivision is also subject to a civil fine of not less than five thousand dollars (\$5,000) and not more than fifty thousand dollars (\$50,000).</p> <p>Assembly Bill 1356 (introduced in 2014) is an anti-stalking bill that expands the definition of stalking to include conduct that places a person under surveillance by means of an electronic communications device, which includes video recorders.</p>	
<p>Colorado</p>	<p>Parks and Wildlife Commission Regulation Chapter W-0, Article IV, , #004 (2014) prohibits drones for looking for, scouting, or detecting wildlife as an aid in the hunting or taking</p>	

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	of wildlife.	
Connecticut	House Bill 5217 (introduced in 2014) sought to criminalize the use of unmanned aircraft equipped with weapons; and with the exception defined of emergency situations, required law enforcement officers to obtain a warrant before using an unmanned aircraft.	Legislature adjourned without taking any further action.
Delaware	No laws or legislation introduced.	
Florida	F.S.A. Section 934.50 (enacted in 2013) defines what a drone is and limits their use by law enforcement- may use a drone if they obtain a warrant, there is a terrorist threat, or "swift action" is needed to prevent loss of life or to search for a missing person- also enables someone harmed by an inappropriate use of drones to pursue civil remedies and prevents evidence gathered in violation of this code from being admitted in any FL court. Provides for private right of action by any aggrieved party.	
Georgia	<p>House Bill 846 (introduced (2014) provides situations when an unmanned aircraft may be used: for professional or scholarly research and development by a person acting on behalf of an institution of higher education; for an electric or natural gas utility; with the consent of the individual who owns or lawfully occupies the real property; pursuant a search or arrest warrant; by law enforcement officials during the immediate pursuit of a person who, upon reasonable, is believed to have committed an offense; documenting a crime scene; investigating the scene of a human fatality; certain motor vehicle accidents; in the search for a missing person; for conducting a high-risk tactical operation that poses a threat to human life; private property that is generally open to the public where the property owner consent to law enforcement public safety responsibilities; at the scene of a spill, or a suspect spill, of hazardous materials; for fire suppression; rescue operations; by a Texas licensed real estate broker in the connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image; of real property or a person on real property that is within 25 miles of the US border; from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception; of public real property or a person on that property; by the owner or operator of an oil, gas, water, or other pipeline or other pipeline for the purpose of inspecting, maintaining, or repairing the pipeline or other related facilities; in connection with oil pipeline safety; in connection with port authority maintenance.</p> <p>House Bill 848 (introduced 2014) banned UAs, as well as manned aircraft, from operating less than 100 feet above private property for the purpose of engaging in surveillance without a warrant or the consent of the property owner.</p>	<p>The legislature adjourned without any further action on the Bills.</p> <p>NOTE: House Bill 846 is almost identical to Texas' laws regulating use of UAs.</p>
Hawaii	Senate Bill 2608 (introduced in 2014) permits law enforcement agencies to use unmanned aircraft in following circumstances:	Passed Senate but legislature adjourned

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	<p>pursuant to a search warrant; to counter a high risk of a terrorist attack based upon credible intelligence by Secretary of U.S. Homeland Security; to assist in search and rescue activities to locate missing persons; when necessary to assist in the operation, exercise, or mission of any branch of the United States military; when necessary to assist the disaster relief agency or provide relief upon declaration of a state of disaster by the governor.</p> <p>Provides a private right of action against aggrieved individuals.</p> <p>Defines “model aircraft” as an unmanned aircraft that is: capable of sustained flight; flown within the operator’s visual line of sight; and flown for hobby or recreational purposes.</p>	<p>without further action.</p>
<p>Idaho</p>	<p>I.C. Section 21-213 (enacted in 2013) defines unmanned aircraft and prohibits: (1) use of drones by law enforcement agencies without a warrant; and (2) any person, entity, or state agency to photograph or record a person without that person’s written consent, for which the purpose of the photographs and/or recordings are to be publicly disseminated.</p> <p>In addition, the statutes entitles any person violated by the unauthorized use of drones to institute a cause of action, and or which reasonable attorney fees and costs may also be awarded.</p>	<p>It is interesting that while this statute defines an unmanned aircraft (which includes drones) as a “remotely piloted aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable,” it exempts radio/remote controlled model flying airplanes or rockets that are used “purely for sport or recreational purposes.”</p>
<p>Illinois</p>	<p>725 ILCS 167/5 (enacted in 2013): Defines drone.</p> <p>725 ILCS 167/15 (amended in 2014): Permits law enforcement agencies to use drones in following circumstances: pursuant to a search warrant; to counter a high risk of a terrorist attack based upon credible intelligence by Secretary of U.S. Homeland Security; reasonable suspicion, under particular circumstances, indicates swift action is needed to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence; locating a missing person, and is not undertaking a criminal investigation; for crime scene and traffic- crash-scene photography; or during a disaster or public health emergency as defined by statute.</p> <p>725 ILCS 167/40 (enacted in 2014): Law enforcement agencies cannot request or solicit a private third party to acquire information through the use of a drone, but such information is not prohibited if the private third-party voluntary submits the information to law enforcement.</p>	
<p>Indiana</p>	<p>IC 35-33-5-9 (enacted in 2014), provides that: (a) Except as provided in subsection (b), a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle. (b) A law enforcement officer or governmental entity</p>	

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	<p>may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle: (1) is required due to: (A) the existence of exigent circumstances necessitating a warrantless search; (B) the substantial likelihood of a terrorist attack; (C) the need to conduct a search and rescue or recovery operation; (D) the need to conduct efforts: (i) in response to; or (ii) to mitigate; the results of a natural disaster or any other disaster; or (E) the need to perform a geographical, an environmental, or any other survey for a purpose that is not a criminal justice purpose; or (2) will be conducted with the consent of any affected property owner.</p> <p>IC 35-46-8.5-1(b) (passed in 2014), provides that a person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another person without the consent of the owner or tenant of the private property commits a Class A misdemeanor.</p>	
Iowa	<p>I.C.A Section 321.492B (enacted in 2014) prohibits the use of an unmanned aerial vehicle for traffic law enforcement.</p> <p>I.C.A. Section 808.15 (enacted in 2014) provides that information obtained as a result of the use of an unmanned aerial vehicle is not admissible as evidence in a criminal or civil proceeding, unless the information is obtained pursuant to the authority of a search warrant, or unless the information is otherwise obtained in a manner that is consistent with state and federal law.</p>	
Kansas	<p>Senate Bill 409 (introduced in 2014) defines unmanned vehicle and unmanned vehicle system. It would not be unlawful to operate an UVS over: public land; land which the operator owns or is entitled to occupy; land of another upon consent. Subject to certain exceptions, it would be unlawful to operate an UVS to collect or disclose personal information about any person acquired by an UVS. Law enforcement agencies may use UVS only in the following situations: pursuant to a search warrant; when swift action is necessary to prevent injury to person, imminent danger to life, or property loss or damage; to counter the risk of a terrorist attack, to provide continuous coverage to track a fugitive or escapee, or in a hostage or barricaded-subject situation; in exigent circumstances where a crime is being committed or about to be committed. Using an UVS to collect any personal information about a person while such person is in a private place would be deemed a breach of privacy.</p> <p>House Bill 2394 (introduced in 2013) defines drone and prohibits law enforcement agencies from using a drone to obtain evidence or other information, except to counter a high risk of a terrorist attack. Drones cannot be operated while carrying a lethal payload. Provides for a private right of action to which an aggrieved party would be entitled to actual damages, punitive damages, equitable relief; and reasonable attorney fees.</p>	<p>Senate Bill 409 died on general order, and House Bill 2394 died in committee.</p>

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Kentucky	House Bill 342 (introduced in 2014) defined drone and prohibited law enforcement agencies (as well as other specified “agencies,” and which includes domestic and foreign corporations) from using drones to carry lethal payloads. Also, law enforcement officials were required to first obtain a warrant before using a drone to obtain evidence on a “particular person or location named in the warrant.”	<p>Legislature adjourned without taking any further action.</p> <p>In enacted, the law would have been titled as “Citizen’s Freedom from Unwarranted Surveillance Act.”</p> <p>The Bill did not address warrantless use of drones by law enforcement officials for exigent or emergency situations.</p>
Louisiana	Senate Bill 330 (introduced in 2014) defines unmanned aircraft. Situations when an unmanned aircraft may be used to capture images: for professional or scholarly research and development by a person acting on behalf of an institution of higher education; for an electric or natural gas utility; with the consent of the individual who owns or lawfully occupies the real property; pursuant a search or arrest warrant; by law enforcement officials during the immediate pursuit of a person who, upon reasonable, is believed to have committed an offense; documenting a crime scene; investigating the scene of a human fatality; certain motor vehicle accidents; in the search for a missing person; for conducting a high-risk tactical operation that poses a threat to human life; private property that is generally open to the public where the property owner consent to law enforcement public safety responsibilities; at the scene of a spill, or a suspect spill, of hazardous materials; for fire suppression; rescue operations; by a Texas licensed real estate broker in the connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image; of real property or a person on real property that is within 25 miles of the US border; from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception; of public real property or a person on that property; by the owner or operator of an oil, gas, water, or other pipeline or other pipeline for the purpose of inspecting, maintaining, or repairing the pipeline or other related facilities; in connection with oil pipeline safety and rig protection; in connection with port authority maintenance.	<p>Passed Senate but legislature adjourned without any further action.</p> <p>Bill is identical to Texas statutes regulating UA.</p>
Maine	Bill LD 236 (SP 72) (introduced in 2013) regulates unmanned aerial vehicles by law enforcement agencies. UAVs may be used by law enforcement agencies subject to the consent of the subject person, a warrant or court order, an emergency situation that threatens life or serious bodily injury, or an emergency enforcement situation that threatens national security or evinces conspiratorial criminal conduct requiring immediate operation of the UAV before a warrant can be obtained. The bill also provides for a private right of action.	<p>Vetoed by the governor in 2013.</p> <p>The Bill also provided that a UAV “may not be conducted by a <i>person</i> other than a law enforcement agency” (Emphasis added.) Based upon this</p>

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	<p>Any use of UAVs must comply with FAA requirements and guidelines.</p>	<p>wording, it appears that a private citizen cannot operate a UAV. Yet, another part of the Bill provides that “operation of an [UAV] must fully comply with all Federal Aviation Administration requirements.”</p>
<p>Maryland</p>	<p>House Bill 847 (introduced in 2014) defines drone and any use by a government agent must fully comply with FAA requirements and guidelines. A government agent can use a drone only in the following situations: pursuant to a search warrant; an emergency situation exists that involves (a) immediate danger of death or serious physical injury to an individual, (b) conspiratorial activities threatening the national security interest, or (c) conspiratorial activities characteristic of organized crime. A drone operated by a government agent may not be equipped with a weapon.</p> <p>Senate Bill 926 (introduced in 2014) is identical to House Bill 847.</p>	<p>Both Bills died in their respective committees.</p>
<p>Massachusetts</p>	<p>Senate Bill 1664 (introduced in 2013) defines unmanned aerial vehicle. Use of UAV must fully comply with all FAA requirements and guidelines. A government entity may only use an UAV in following situations: pursuant to a warrant; in order to execute a warrant; for purposes unrelated to criminal investigation or other law enforcement purposes, provided that information derived therefrom shall not be received as evidence in any criminal trial, hearing, or grand jury proceeding, or maintained, shared, or used for any intelligent purpose; when there is reasonable cause to believe that a threat to the life or safety of a person is imminent. UAVs cannot be used to track, collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, etc. unless such information related directly to investigation of criminal activity.</p> <p>House Bill 1357 (introduced in 2013) is identical to Senate Bill 1664.</p>	<p>Senate Bill 1664 – Senate concurred 07/08/2014.</p> <p>House Bill 1357 – accompanied a study order 06/26/2014.</p>
<p>Michigan</p>	<p>House Bill 4455 (introduced in 2013):</p> <p>Defines unmanned aerial vehicle. A person who uses an UAV must comply with all FAA requirements and guidelines.</p> <p>A person shall not operate a UAV armed with lethal or nonlethal weapons.</p> <p>Information about a person acquired through the operation of a UAV shall not be disclosed unless: the person has given written consent; there is a reasonable belief that there is a threat to the life or safety of a person; pursuant to a search warrant; or pursuant to a court order based upon facts</p>	<p>Both Bills were referred to Committee on Criminal Justice on 03/14/2013 without any further action being taken.</p> <p>“Legislative Analysis” provides a summary of both Bills.</p>

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	<p>demonstrating reasonable suspicion of criminal activity, a UAV will uncover that criminal activity, and that alternative methods of data collection are either cost-prohibitive or present a significant risk to any person’s bodily safety.</p> <p>Notwithstanding any other provisions of this Act, a State agency may operate a UAV when it is reasonably suspected that an emergency situation exists that involves the immediate danger of death or serious physical injury to any person, conspiratorial activities threatening the national security interest, or conspiratorial activities characteristic of organized crime and requires operation of a UAV.</p> <p>House Bill 4456 (introduced in 2013) establishes a Class D felony for operating an armed UAV, and a Class F felony for improperly disclosing information or data obtained by an UAV (second or subsequent offense).</p>	
<p>Minnesota</p>	<p>Senate Bill No. 485 (introduced in 2013) defined drone and authorized use thereof by law enforcement agencies as follows: pursuant to a search warrant; to counter a high risk of a terrorist attack based upon credible intelligence by Secretary of U.S. Homeland Security; reasonable suspicion, under particular circumstances, indicates swift action is needed to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence. Any aggrieved person may bring a private cause of action against the law enforcement agency.</p> <p>House Bill 1620 (introduced in 2013) defines use of drones and prohibits: a law enforcement agency using a drone to gather evidence or other information in an investigation; and a federal agency using a drone within the borders of Minnesota. However, use of drones are permitted in following circumstances: pursuant to a search warrant; to counter a high risk of a terrorist attack based upon credible intelligence by Secretary of U.S. Homeland Security; reasonable suspicion, under particular circumstances, indicates swift action is needed to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence; by a first responder in an emergency situation. Any aggrieved person may bring a private cause of action against the law enforcement agency.</p> <p>House Bill 1620 also makes it a felony for private use of a drone to capture images of a person on public or private property without the permission of the person or appropriate public authority.</p>	<p>Both Bills died in committee, but are expected to be reintroduced next session.</p>
<p>Mississippi</p>	<p>No laws or legislation introduced.</p>	
<p>Missouri</p>	<p>House Bill 1204 (introduced in 2014) defined drone and prohibited the use for warrantless surveillance, except in emergency situations when there is an imminent threat to life or of great bodily harm. It would be unlawful for any person, entity, or state agency to conduct surveillance or observation of an individual or an individual’s property without the</p>	<p>Passed the House but the legislative session ended without the Senate taking any action on it.</p> <p>The Bill distinguished</p>

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	individual's consent. Established civil action by any person violated, and waived sovereign immunity for the state.	"drone" from "model aircraft," of which use of the latter is not prohibited. Yet, it seems that a drone can fall within the definition of a model aircraft and vice versa.
Montana	M.C.A. 46-5-109 (enacted in 2013) defines unmanned aerial vehicle and prohibits prosecutorial use of information obtained thereby unless the information was obtained: (a) pursuant to a search warrant; or (b) in accordance with judicially recognized exceptions to the warrant requirement. Further, information from a UAV may not be used to procure a search warrant unless the information was obtained pursuant to (a) and (b) supra, or was obtained through the monitoring of public lands or international borders.	The statute did not delineate "judicially recognized exceptions," and does not apply to satellites.
Nebraska	Legislative Bill 412 (introduced in 2013) defined drone and prohibited law enforcement agencies from using a drone to gather evidence or other information. The only exception noted is use of a drone in the event of a high risk of a terrorist attack, provided that the U.S. Secretary of Homeland Security first determine that credible evidence indicates that there exists such a risk. The Bill also provided for a civil action against law enforcement agencies.	The Bill was definitely postponed in April 2014. The Bill did not make any provisions for obtaining search warrants, nor use in any other exigent circumstances other than for a terrorist attack.
Nevada	No laws or legislation introduced.	
New Hampshire	House Bill 1620 (introduced in 2014) defined drones and restricted the governmental and non-governmental use thereof. Government agencies could not use a drone for surveillance unless first obtaining a search warrant or in those cases where the government, based upon reasonable suspicion, believes that swift action is needed: to prevent imminent harm to life or serious damage to property; to forestall the imminent escape of a suspect; or to prevent the destruction of evidence. Violation by a government employee, agent, or contractor constitutes a Class A misdemeanor and may subject said person or agency to a civil penalty of up to \$10,000. Under non-government use, no person could use a drone to conduct surveillance without the prior consent of the affected person and each owner or possessor of the affected real estate. It is also unlawful for any person to use a drone to stalk or harass another person. Any person who violates this section is guilty of a Class B misdemeanor. It is unlawful for any governmental agency/person or non-governmental person/entity to equip a drone with lethal or non-lethal weapons. Any governmental agency/person or non-governmental person/entity to cause injury to a person or a person's property by the use of a drone is strictly liable for such injury. Any person who suffers an injury is entitled to damages of not less than \$1,000 dollars, plus attorney fees.	The Bill died in the State Senate.

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<p>New Jersey</p>	<p>Senate Bill 2702 (introduced in 2013) permits use of unmanned aerial vehicles by law enforcement agencies: upon issuance of a search warrant; when there are reasonable grounds to believe that the record or other information that may be derived from an UAV is relevant and material to an ongoing investigation; or search and rescue missions (including missing persons).</p> <p>County emergency management coordinators are permitted to use UAVs in certain delineated emergency situations. In addition, drones are permitted by firefighters and forest firefighters to survey or monitor the extent of fires.</p> <p>No person, including governmental agencies, are permitted to operate a UAV with anti-personnel devices attached to it.</p>	<p>Governor Christie, without any explanation, pocket vetoed this Bill in January 2014. Since New Jersey has been selected by the federal government as one of six states for drone test sites, it is possible that this may have influenced his decision for not signing the Bill into law.</p>
<p>New Mexico</p>	<p>Senate Bill 556 (introduced in 2013) defines drone and unmanned aircraft:</p> <p>Prohibits a person or state agency from using a drone or UA to gather evidence or information pertaining to criminal conduct, except pursuant to a warrant; or to conduct surveillance of a person or property owned the person, farm or agricultural industry without consent of that person, property owner, farm or agricultural industry.</p> <p>Use of drones or UAs may be used by a law enforcement agency if there is reasonable suspicion that, under particular circumstances, swift action is necessary to prevent imminent danger to life.</p> <p>Creates a private right of action by an aggrieved person.</p>	<p>Bill died in committee.</p>
<p>New York</p>	<p>Assembly Bill 6244 (introduced in 2013) defines unmanned aerial vehicle and permits use by law enforcement agencies only when authorized by court authority or when justified by a lawful exception to the warrant requirement. Any person aggrieved by a violation may seek civil and equitable relief.</p> <p>Assembly Bill 6370 (introduced in 2013) defines drone and permits use by law enforcement agencies only: upon issuance of a search warrant; in exigent circumstances when a law enforcement agency has reasonable suspicion that swift action is necessary to prevent imminent danger to life; to patrol national borders; and to counter a high risk of a terrorist attack. All persons, entities, and state agencies are prohibited from using a drone to conduct surveillance on a person inside said person's home, place of worship, closed confines of the person's property, or where that person would have an expectation of privacy. Violation of this law constitutes a Class B misdemeanor; and, when committed in the course of a felony, constitutes a Class A felony. An aggrieved party may initial a civil action against a law enforcement agency to obtain all appropriate relief.</p> <p>Assembly Bill 8091 (introduced in 1013) amends Section 250.45 of the penal law by prohibiting the use of a drone by</p>	<p>All Bills are still pending.</p>

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	<p>anyone for intentionally conducting surveillance on a person without the knowledge or consent of the person, and at a place and time when that person has a reasonable expectation of privacy.</p>	
<p>North Carolina</p>	<p>Session law 2013-360 (signed in 2013) placed moratorium and procurement and operation of unmanned vehicles by state and local governments until July 1, 2015.</p> <p>House Bill 1099 (introduced in 2014) pertains to following:</p> <p>Defines model aircraft, unmanned aircraft, and unmanned aircraft system.</p> <p>No person, entity, or State agency is permitted to use an UAS to: conduct surveillance of a person private real property without the consent of that person or the owner or lessee of the real estate.</p> <p>Law enforcement agencies are permitted to use an UAS in the following situations: to counter the high risk of a terrorist attack; pursuant to a search warrant; conducting surveillance in an area that is within an officer’s plain view when the officer is in a location to which he is entitled to be; when there is reasonable suspicion that swift action is needed to prevent imminent danger to life or serious damages to property, to forestall the imminent escape of a suspect or the destruction of evidence, to conduct pursuit of an escapee or suspect, or to facilitate the search for a missing person; or to photograph gatherings to which the general public is invited on public or private land.</p> <p>No UAS may be launched or recovered from any State or private property without consent.</p> <p>It shall be a Class H felony for any person who operates a UAS to willfully damage, or disrupts or interferes with the operation of a manned aircraft.</p> <p>An UA or UAS may not be equipped with a weapon, or used for hunting and fishing.</p> <p>Operation of an UAS cannot be used to intentionally interfere with the lawful taking of wildlife, or to drive, harass, or intentionally disturb wildlife resources for the purpose of disrupting the law taking of wildlife resources.</p> <p>No person shall operate an UAS for commercial purposes unless that person has a license issued by the State’s Division of Aviation for operating a UAS. Permit requirements: at least 18 years of age; possession of a valid driver’s license issued by any state or territory of the United States; has passed the knowledge and skills test for operating an UAS; and has satisfied all other applicable requirements under this Article or federal regulations.</p> <p>Any person who is the subject of unwarranted surveillance,</p>	<p>Hill Bill 1099 passed the House, and referred to Senate Committee without any further action being taken yet.</p> <p>House Bill 1099 was introduced pursuant to a report prepared by the Legislative Research Committee on Unmanned Aircraft Systems.</p>

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	<p>or whose photograph is taken in violation of these laws, shall have a civil cause of action, including State agencies.</p>	
<p>North Dakota</p>	<p>House Bill 1373 (introduced in 2013) defined unmanned aircraft and prohibited its use by law enforcement agencies to conduct surveillance on a person or of property without a warrant, for surveillance of persons engaged in the lawful exercise of their constitutional right of freedom of speech and freedom of expression. Exceptions to warrantless surveillances are permitted for patrol of national borders, in exigent circumstances (imminent danger to life or bodily harm), and in environmental or weather-related catastrophes. A state agency may not arm an UA with lethal or nonlethal weapons; and may not authorize UAs for domestic use in private surveillance private persons without the express, informed consent of the person or owner of the real estate on which the person is present. Any aggrieved party may file a civil action.</p>	<p>Bill passed House but died in Senate.</p> <p>NOTE: In January 2014, Rodney Brossart, a North Dakota farmer was sentenced to three years in prison after a standoff between him and a SWAT team. The SWAT team borrowed a predator drone from the Customs and Border Patrol and were able to thus determine the exact location of Brossart. A federal judge rejected Brossart's argument that the drone was used without a search warrant.</p>
<p>Ohio</p>	<p>House Bill 207 (introduced in 2014) defines drone and prohibits law enforcement agencies from use thereof unless: a search warrant has been issued; U.S. Secretary of Homeland Security has determined, based on credible intelligence, there exists a high risk of a terrorist attack; or, based upon reasonable suspicion, swift action is needed to (a) prevent imminent harm to life or serious damage to property, (b) forestall the imminent escape of a suspect, or (c) prevent the destruction of evidence.</p> <p>Prohibits drones from being equipped with weapons of any kind.</p> <p>Imposes civil action for damages, including reasonable attorney fees; and waives government immunity.</p>	<p>Passed committee, and is pending.</p>
<p>Oklahoma</p>	<p>House Bill 1556 (introduced in 2013) defines unmanned aircraft and unmanned aircraft system. It is unlawful to operate an UAS for or in connection to surveillance, unless: a law enforcement agency has obtained a search warrant; a law enforcement agency is attempting to locate a missing person, provided it is reasonable to believe there is an imminent threat to the life or safety of the person; a firefighting or emergency services agency is responding to a wildfire or other natural disaster, and the use of an UAS is necessary to monitor the progress of the disaster or direct the responses; or used over public lands by a public officer, except for obtaining information of private citizens that are on the land or property.</p> <p>Prohibits equipping an UAS with any lethal or non-lethal weapons.</p> <p>Provides for a private cause of action against offenders, who would be liable for treble actual damages.</p>	<p>Legislature adjourned without further action.</p>

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	<p>Permits incidental over-flight of public and private land while in transit from one point to another, provided no surveillance system is included on the UAS unless necessary for safe operation or navigation.</p> <p>Provides civil and criminal immunity for any sellers or manufacturers of an UAS which has been used by another in violation of the Act.</p> <p>Amendment Number 1 to House Bill 1556 exempts use of UASs from provisions of Act when used for agricultural purposes.</p>	
Oregon	<p>Following statutes enacted in 2013:</p> <p>O.R.S. 837.300: Defines drone.</p> <p>O.R.S. 837.310: Except as provided by elsewhere in statutes, law enforcement agencies may not operate a drone.</p> <p>O.R.S. 837.320: Law enforcement agencies may acquire information through use of a drone pursuant to a warrant authorizing the use thereof.</p> <p>O.R.S. 837.335: When law enforcement may use a drone without a warrant: search and rescue activities; in an individual emergency situation upon reasonable belief of imminent threat to the life or safety of an individual; upon declaration by the governor of a state of emergency as defined by statute; and preserving public safety, protecting property or conducting surveillance for the assessment and evaluation of environmental or weather related damage, erosion, or contamination. O.R.S. 837.300:</p> <p>O.R.S. 837.340: Law enforcement agencies may use a drone for reconstruction of a specific crime scene, or similar physical assessment, related to a specific criminal investigation.</p> <p>O.R.S. 837.365: A public body may not operate a weaponized drone.</p> <p>O.R.S. 837.380: An owner of lawful resident of real property may bring a private cause of action against any person flying drone 400 feet or less over the real property provided the owner or resident gave the operator prior notice that he/she did not want the drone flown over the property less than 400 feet. Exception thereto: the drone is lawfully in the flight path or landing at an airport, airfield, or runway; and the drone is in the process of taking off or landing. A prevailing party may recover treble damages; and, if the amount pleaded for is less than \$10,000, attorney fees.</p>	
Pennsylvania	<p>Senate Bill 875 (introduced in 2013) places a moratorium on unmanned aircraft until July 1, 2015. However, UAs may be used in an emergency disaster, in an Amber Alert, or during a search and rescue operation if necessary to protect life, health, or property. Use of a weaponized drone by a State or local</p>	<p>Senate Bill 875 – Legislature adjourned without further action, but is still on calendar.</p>

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	<p>agency or member of the public is prohibited.</p> <p>Senate Bill 1332 (introduced in 2014) prohibits use of unmanned aircraft to harass hunters by disturbing wildlife and interfering with hunters.</p> <p>House Bill 2084 introduced in 2014) prohibits use of unmanned aircraft to harass hunters by disturbing wildlife and interfering with hunters.</p> <p>House Bill 2158 (introduced in 2014) defines drone. Can only be used by law enforcement in following situations: pursuant to a warrant; in an Amber Alert; in connection with an emergency declared by a government official pursuant to statute; search and rescue operations; when necessary to alleviate an imminent threat of death or grave injury to a person.</p>	<p>Senate Bill 1332 – Last action: referred to Game and Fisheries 06/27/2014.</p> <p>House Bill 2084 – Last action: referred to Game and Fisheries 03/12/2014.</p> <p>House Bill 2158 – Last action: referred to Judiciary 04/07/2014.</p>
<p>Rhode Island</p>	<p>House Bill 7170 (introduced in 2014) defines unmanned aerial vehicle, which shall be used only under the direction of the state attorney general. Law enforcement agencies can use UAVs only pursuant to a court order or to assist a person when there is reasonable belief of an imminent threat to the life or physical safety of that person. UAVs cannot be equipped with weapons. Provides for a private right of action by aggrieved parties. Any use of UAVs must comply with FAA requirements and guidelines.</p>	<p>Committee recommended that measure be held for further study.</p> <p>Bill does not indicate use of UAV by private citizens.</p>
<p>South Carolina</p>	<p>House Bill 3415 (introduced in 2013) defines drone. Requires law enforcement agencies to obtain a search warrant to gather evidence or other information with the exception of the following: to counter a high risk of a terrorist attack; reasonable suspicion that swift action is needed to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence. Permits a private right of action against law enforcement agencies.</p> <p>House Bill 3514 (introduced in 2013) defines unmanned aircraft and unmanned aircraft system. A public UAS may be operated and personal information from the operation disclosed in order to collect personal information only pursuant to a criminal warrant. However, it is lawful for a law enforcement officer or other public official to operate a public UAS and disclose personal information from the operation if the officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to a person; and requires operation of a public UAS before a warrant authorizing the interception can, with due diligence, be obtained. It is lawful for a public institution of higher education to operate a public UAS solely for research or academic purposes. It is unlawful to operate an UA as a lethal or nonlethal weapon. The use of public UAS shall fully comply with all Federal Aviation Administration requirements and guidelines.</p> <p>Senate Bill 395 (introduced in 2013) defines unmanned aerial</p>	<p>House Bill 3415—Last action was on 05/15/2013 when sponsors name was added to Bill.</p> <p>House Bill 3514 passed House and referred to Senate on 01/17/2014. Last action by Senate was on 01/31/2014 when referred to Subcommittee.</p> <p>Senate Bill 395 – Last action was on 02/19/2013 when referred to Committee on Judiciary.</p>

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	<p>vehicle. Prohibits UAVs from using antipersonnel devices. An UAV may be used only to conduct a search or perform surveillance that is made pursuant to a search warrant.</p>	
<p>South Dakota</p>	<p>House Bill 3514 (introduced in 2013) defined unmanned aircraft and unmanned aircraft system. Prohibits law enforcement agencies from using a UAS for surveillance unless first obtaining a warrant.</p> <p>Prohibits equipping an UAS with any lethal or non-lethal weapons.</p> <p>Provides civil and criminal immunity for any sellers or manufacturers of an UAS which has been used by another in violation of the Act.</p>	<p>Passed House but legislature adjourned without any further action.</p> <p>This Bill went into detail about obtaining a warrant, retention of data collected, and reporting on uses of UASs by law enforcement agencies.</p> <p>This Bill did not contain any regulations pertaining to use of UASs by private citizens, other than the prohibition of equipping UASs with weapons.</p>
<p>Tennessee</p>	<p>TCA Section 39-13-609 (enacted in 2013) defines drone and prohibits law enforcement agencies from gathering evidence or other information except: pursuant to a search warrant; when the U.S. Secretary of Homeland Security has determined, based on credible intelligence, there exists a high risk of a terrorist attack; when, based on reasonable suspicion, swift action is need to prevent imminent danger to life; when searching for a fugitive or escapee, or monitoring a hostage situation; or searching for a missing person. A private cause of action may be filed by any aggrieved person.</p> <p>TCA Section 70-4-302 (enacted in 2014) prohibits the use of drones to: intentionally interfere with hunters to prevent the lawful taking of an animal; intentionally disturbs wild animals in order to prevent lawful taking by hunters; intentionally disturbs hunters who are in the process of lawfully taking wild animals; and surveillance private citizens, without first obtaining their written consent, who are lawfully fishing or hunting.</p>	<p>TCA Section 70-4-302 was enacted with the purpose of preventing hunters and fisherman from being harassed animal rights activists and groups.</p>
<p>Texas</p>	<p>Following statutes enacted in 2013:</p> <p>Section 423.002: Situations when an unmanned aircraft may be used to capture images: for professional or scholarly research and development by a person acting on behalf of an institution of higher education; for an electric or natural gas utility; with the consent of the individual who owns or lawfully occupies the real property; pursuant a search or arrest warrant; by law enforcement officials during the immediate pursuit of a person who, upon reasonable, is believed to have committed an offense; documenting a crime scene; investigating the scene of a human fatality; certain motor vehicle accidents; in the search for a missing person; for conducting a high-risk tactical operation that poses a threat to human life; private property that is generally open to the public where the property owner</p>	

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	<p>consent to law enforcement public safety responsibilities; at the scene of a spill, or a suspect spill, of hazardous materials; for fire suppression; rescue operations; by a Texas licensed real estate broker in the connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image; of real property or a person on real property that is within 25 miles of the US border; from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception; of public real property or a person on that property; by the owner or operator of an oil, gas, water, or other pipeline or other pipeline for the purpose of inspecting, maintaining, or repairing the pipeline or other related facilities; in connection with oil pipeline safety and rig protection; in connection with port authority maintenance.</p> <p>Section 423.003: A person commits an offense if the person uses an UA to capture an image of an individual or privately owned real property with the intent to conduct surveillance on the individual or property captured in the image.</p> <p>Section 423.004: A person commits an offense if he captures an image in violation of Section 423.003 and possesses, discloses, displays, distributes, or otherwise uses that image.</p> <p>Section 423.006: Provides for civil action by individuals aggrieved.</p>	
Utah	<p>All of the following statutes were enacted in 2014:</p> <p>UTA 63G-18-102: Defines unmanned aerial vehicle.</p> <p>UTA 63G-18-103: Requires law enforcement agencies to obtain a search warrant to collect data, except: in accordance with judicially recognized exceptions to the warrant requirement; or data is provided by a nongovernment actor pertaining to the commission of a crime, and which the nongovernment actor believed, in good faith, that: (1) the data pertains to an imminent or ongoing emergency involving danger of death or serious bodily injury to an individual, and (2) disclosing the data would assist in remedying the emergency.</p> <p>UTA 63G-18-104: Data retention.</p> <p>UTA 63G-18-104: Reporting.</p>	<p>UTA 63G-18-103 does not provide the types of judicially recognized exceptions to the warrant requirement.</p>
Vermont	<p>House Bill 540 (introduced in 2013) defines drone.</p> <p>Law enforcement agencies can only operate a drone upon issuance of a warrant, or in emergency situations where it is reasonable to believe there exists an imminent threat of death or serious bodily injury to any person.</p> <p>Drones cannot be equipped with weapons.</p>	<p>Legislature adjourned without any further action.</p> <p>Bill also provided that when a law enforcement agency uses a drone under the exception of an emergency situation, a search warrant must be obtained within 48</p>

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	Use of drones by non-law-enforcement personnel or agencies shall comply with all FAA requirements and guidelines.	hours after the use commenced.
Virginia	2013 Va. Acts 755 and 2013 Va. Acts 796 (enacted in 2013) placed a moratorium on use of unmanned aircraft systems by law enforcement agencies until 07/01/2015. Exceptions thereto: Amber Alerts; Senior Alerts; Blue Alerts; in search or rescue operations where use of an UAS is determined to be necessary alleviate an immediate danger to any person; or for training exercise related to these exceptions.	
Washington	<p>House Bill 2789 (introduced in 2014) defines unmanned aircraft system.</p> <p>UASs operated by a government entity can only obtain information thereby pursuant to a search warrant.</p> <p>Law enforcement agencies/officers may operate an UAS without a warrant if it is reasonably determined that an emergency situation exists that: does not involve criminal activity, unless exigent circumstances exist; presents immediate danger of death or serious physical injury to any person; and has characteristics such that operation of an UAS can reasonably reduce the danger of death or serious physical injury.</p> <p>Other non-warrant allowable circumstances by governmental agencies/personnel include: monitoring to discover, locate, observe, and prevent forest fires; monitoring an environmental or weather-related catastrophe; surveying for wildlife management, habitat preservation, or environmental damage; surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination; or responding to an emergency or disaster for which the governor has proclaimed a state of emergency pursuant to statute.</p> <p>Allows for a private right of action for actual damages by any person who has suffered injury to his/her business, per, or reputation.</p>	<p>Bill passed both chambers but was vetoed by the governor.</p> <p>NOTE: The enumerated uses apply to UASs that are equipped with "extraordinary sensing devices."</p> <p>Bill makes no provisions for use by private citizens or entities.</p>
West Virginia	House Bill 2732 (introduced in 2013) defines drone. A law enforcement agency may not use a drone to gather evidence or other information without a search warrant. The only exception is to counter a high-risk terrorist attached. No drone may be equipped with weapons.	Bill was introduced but legislature adjourned without any further action.
Wisconsin	<p>The following laws were enacted in 2014:</p> <p>W.S.A. 175.55 defines drone. No enforcement agency may obtain evidence or other information without a search warrant. Exceptions: search and rescue operations, locating an escaped prisoner, surveillance of a place or location for purpose of executing an arrest warrant, or, upon reasonable suspicion, a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.</p> <p>W.S.A. 941.292 makes it a Class H felony for operating a</p>	W.S.A. 942.10 does not apply to law enforcement officers using a drone pursuant to W.S.A. 175.55.

STATE**LAW OR PROPOSED LEGISLATION****NOTES**

	<p>weaponized drone.</p> <p>W.S.A. 942.10 makes it a Class A misdemeanor for anyone to use a drone with the intent to view or record another person in a place or location where the person has a reasonable expectation of privacy.</p>	
Wyoming	<p>House Bill 0030 (introduced in 2014) prohibits use of drones to harass hunters. It also prohibits use of drones to aid in the location and/or taking of wildlife, except predatory animals.</p> <p>House Bill 0105 (introduced in 2014) defines drones. Except for statutory warrant-exceptions and exigent circumstances, law enforcement agencies/officials must obtain warrant before using a drone to collect information pertaining to criminal conduct. Exigent circumstances include: reasonable suspicion that swift action is necessary to prevent imminent danger to life; to counter a high risk of a terrorist attack when the Director of Homeland Security determines credible intelligence indicates there is such a risk; to investigate the commission of a felony which a law enforcement agency has reasonable suspicion to believe is in progress; and in fresh pursuit of a person whom law enforcement has probable cause to believe has committed a felony.</p>	<p>House Bill 0030 was indefinitely postponed.</p> <p>The legislature adjourned before taking any further action on House Bill 0105. It was similar to House Bill 0242 which was introduced in 2013, and which died in committee.</p>

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