

House Bill 2710

Sponsored by Representative HUFFMAN; Representative WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that drone may be used by law enforcement agency for purpose of surveillance of person only pursuant to warrant or in emergency circumstances. Provides that law enforcement agency may use drone to intercept communications only as provided under laws relating to wiretaps and other interceptions of communications.

Requires destruction of images and other information acquired by use of drone within 30 days unless information is needed as evidence in criminal prosecution.

Requires that public bodies that use drones adopt policies on use of drones. Requires procedure for notifying public of policies on use of drones.

Prohibits use of weaponized drones by public bodies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to drones; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Drone" means an unmanned aerial vehicle.**

6 (b) **"Law enforcement agency" means an agency that employs police officers, as defined
7 in ORS 133.525, or that prosecutes offenses.**

8 (c) **"Public body" has the meaning given in ORS 174.109.**

9 (2) **A law enforcement agency may use a drone for the purpose of surveillance of a person
10 only if:**

11 (a) **A warrant is issued under ORS 133.525 to 133.703 authorizing use of the drone; or**

12 (b) **The drone is used within a geographically confined, time-limited emergency situation
13 in which there is risk of serious physical harm to an individual, and the use of the drone is
14 thoroughly documented by the law enforcement agency.**

15 (3) **A law enforcement agency may not use a drone for the purpose of intercepting com-
16 munications on the ground or in the air except pursuant to ORS 133.724 or 165.540.**

17 (4) **Any operation of a drone by a law enforcement agency that is authorized under law
18 must be limited to collection of information about the target person for which the use is
19 authorized, and must avoid collection of information on other persons, residences or places.**

20 (5) **Any images or other information acquired through the use of a drone by a law
21 enforcement agency must be destroyed within 30 days after the information is acquired un-
22 less the information is needed as evidence in a criminal prosecution.**

23 (6) **A public body may not use a drone that is capable of firing a bullet or other projectile,
24 or is otherwise capable of being used as a weapon.**

25 (7) **Any public body that uses drones must adopt policies for the use of drones that es-
26 tablish:**

27 (a) **Training requirements for operators;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(b) Criteria for when drones will be used;**
- 2 **(c) A description of the areas in which drones may be used; and**
- 3 **(d) A procedure for informing the public of the public body's policies on the use of drones.**
- 4 **(8) Use of drones by public bodies must comply with all Federal Aviation Administration**
- 5 **requirements and guidelines. The acquisition of drones by an agency of a local government**
- 6 **must be approved by the governing body of the local government.**

7 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**

8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

9 **on its passage.**

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