

## SENATE AMENDMENTS TO HOUSE BILL 2710

By COMMITTEE ON JUDICIARY

June 5

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page 2 and insert:

### “DEFINITIONS

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5 **“SECTION 1. As used in sections 1 to 17 of this 2013 Act:**

6 **“(1) ‘Drone’ means an unmanned flying machine. ‘Drone’ does not include a model air-**  
7 **craft as defined in section 336 of the FAA Modernization and Reform Act of 2012 (P.L. 112-95)**  
8 **as in effect on the effective date of this 2013 Act.**

9 **“(2) ‘Law enforcement agency’ means an agency that employs police officers, as defined**  
10 **in ORS 133.525, or that prosecutes offenses.**

11 **“(3) ‘Public body’ has the meaning given that term in ORS 174.109.**

12 **“(4) ‘Warrant’ means a warrant issued under ORS 133.525 to 133.703.**

### “USE OF DRONES BY LAW ENFORCEMENT AGENCIES

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16 **“SECTION 2. (1) Except as otherwise provided in sections 2 to 7 of this 2013 Act, a law**  
17 **enforcement agency may not operate a drone, acquire information through the operation of**  
18 **a drone or disclose information acquired through the operation of a drone.**

19 **“(2) Any image or other information that is acquired through the use of a drone by a law**  
20 **enforcement agency in violation of sections 2 to 7 of this 2013 Act, and any evidence derived**  
21 **from that image or information:**

22 **“(a) Is not admissible in, and may not be disclosed in, a judicial proceeding, administra-**  
23 **tive proceeding, arbitration proceeding or other adjudicatory proceeding; and**

24 **“(b) May not be used to establish reasonable suspicion or probable cause to believe that**  
25 **an offense has been committed.**

26 **“SECTION 3. (1) A law enforcement agency may operate a drone, acquire information**  
27 **through the operation of a drone, or disclose information acquired through the operation of**  
28 **a drone, if:**

29 **“(a) A warrant is issued authorizing use of a drone;**

30 **“(b) The law enforcement agency has probable cause to believe that a crime is being**  
31 **committed at the time the drone is used and exigent circumstances exist that make it un-**  
32 **reasonable for the law enforcement agency to obtain a warrant authorizing use of a drone;**

33 **“(c) The law enforcement agency has probable cause to believe that the targeted indi-**  
34 **vidual intends to commit a crime and circumstances exist that prevent the law enforcement**  
35 **agency from acquiring a warrant, authorizing use of a drone, before the time at which the**

1 law enforcement agency believes the crime will be committed; or

2 “(d) The drone is used to track an individual fleeing the scene of a crime.

3 “(2) A warrant authorizing the use of a drone must specify the period for which operation  
4 of the drone is authorized. In no event may a warrant provide for the operation of a drone  
5 for a period of more than 30 days. Upon motion and good cause shown, a court may renew  
6 a warrant after the expiration of the 30-day period.

7 “SECTION 4. A law enforcement agency may operate a drone for the purpose of acquiring  
8 information about an individual, or about the individual’s property, if the individual has given  
9 written consent to the use of a drone for those purposes.

10 “SECTION 5. (1) A law enforcement agency may operate a drone, acquire information  
11 through the operation of a drone, or disclose information acquired through the operation of  
12 a drone, for the purpose of search and rescue activities, as defined in ORS 404.200.

13 “(2) A law enforcement agency may operate a drone, acquire information through the  
14 operation of a drone, or disclose information acquired through the operation of a drone, for  
15 the purpose of assisting an individual in an emergency if:

16 “(a) The law enforcement agency reasonably believes that there is an imminent threat  
17 to the life or safety of the individual, and documents the factual basis for that belief; and

18 “(b) Not more than 48 hours after the emergency operation begins, an official of the law  
19 enforcement agency files a sworn statement with the circuit court that describes the nature  
20 of the emergency and the need for use of a drone.

21 “(3) A law enforcement agency may operate a drone, acquire information through the  
22 operation of a drone, or disclose information acquired through the operation of a drone,  
23 during a state of emergency that is declared by the Governor under ORS chapter 401 if:

24 “(a) The drone is used only for the purposes of preserving public safety, protecting  
25 property or conducting surveillance for the assessment and evaluation of environmental or  
26 weather related damage, erosion or contamination; and

27 “(b) The drone is operated only in the geographical area specified in a proclamation  
28 pursuant to ORS 401.165 (5).

29 “SECTION 6. (1) A law enforcement agency may operate a drone, acquire information  
30 through the operation of a drone, or disclose information acquired through the operation of  
31 a drone, for the purpose of reconstruction of a specific crime scene, or similar physical as-  
32 sessment, related to a specific criminal investigation.

33 “(2) The period that a law enforcement agency may operate a drone under this section  
34 may not exceed five days for the purpose of reconstruction of a specific crime scene, or  
35 similar physical assessment, related to a specific criminal investigation.

36 “SECTION 7. A law enforcement agency may operate a drone for the purpose of training  
37 in:

38 “(1) The use of drones; and

39 “(2) The acquisition of information through the operation of a drone.

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41 “REGISTRATION OF DRONES USED BY PUBLIC BODIES  
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43 “SECTION 8. (1) A public body may not operate a drone in the airspace over this state  
44 without registering the drone with the Oregon Department of Aviation.

45 “(2) The Oregon Department of Aviation may impose a civil penalty of up to \$10,000

1 against a public body that violates subsection (1) of this section.

2 “(3) Evidence obtained by a public body through the use of a drone in violation of sub-  
3 section (1) of this section is not admissible in any judicial or administrative proceeding and  
4 may not be used to establish reasonable suspicion or probable cause to believe that an of-  
5 fense has been committed.

6 “(4) The Oregon Department of Aviation shall establish a registry of drones operated by  
7 public bodies and may charge a fee sufficient to reimburse the department for the mainte-  
8 nance of the registry.

9 “(5) The Oregon Department of Aviation shall require the following information for reg-  
10 istration of a drone:

11 “(a) The name of the public body that owns or operates the drone.

12 “(b) The name and contact information of the individuals who operate the drone.

13 “(c) Identifying information for the drone as required by the department by rule.

14 “(6) A public body that registers one or more drones under this section shall provide an  
15 annual report to the Oregon Department of Aviation that summarizes:

16 “(a) The frequency of use of the drones by the public body during the preceding calendar  
17 year; and

18 “(b) The purposes for which the drones have been used by the public body during the  
19 preceding calendar year.

20 “(7) The State Aviation Board may adopt all rules necessary for the registration of  
21 drones in Oregon that are consistent with federal laws and regulations.

22 “SECTION 9. (1) Except as provided in subsection (2) of this section, section 8 of this 2013  
23 Act becomes operative January 2, 2016.

24 “(2) The Oregon Department of Aviation and the State Aviation Board may take any  
25 action before January 2, 2016, including the adoption of rules, that is necessary to allow im-  
26 plementation of section 8 of this 2013 Act on January 2, 2016.

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28 “PROHIBITION ON USE OF WEAPONIZED DRONES  
29 BY PUBLIC BODIES  
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31 “SECTION 10. A public body may not operate a drone that is capable of firing a bullet  
32 or other projectile, directing a laser or otherwise being used as a weapon.  
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34 “USE OF INFORMATION ACQUIRED BY PUBLIC BODY DRONES  
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36 “SECTION 11. Any image or other information that is acquired by a public body through  
37 the use of a drone that has not been approved by the Federal Aviation Administration, and  
38 any evidence derived from that image or information:

39 “(1) Is not admissible in, and may not be disclosed in, a judicial proceeding, administra-  
40 tive proceeding, arbitration proceeding or other adjudicatory proceeding; and

41 “(2) May not be used to establish reasonable suspicion or probable cause to believe that  
42 an offense has been committed.

43 “SECTION 12. Section 11 of this 2013 Act is repealed January 2, 2016.  
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45 “CRIMES INVOLVING DRONES



1                                   **“PREEMPTION OF LOCAL LAWS REGULATING DRONES**

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3           **“SECTION 17. Except as expressly authorized by state statute, the authority to regulate**  
4 **the ownership or operation of drones is vested solely in the Legislative Assembly. Except as**  
5 **expressly authorized by state statute, a local government, as defined ORS 174.116, may not**  
6 **enact an ordinance or resolution that regulates the ownership or operation of drones or**  
7 **otherwise engage in the regulation of the ownership or operation of drones.**

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9                                   **“REPORT TO LEGISLATURE**

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11           **“SECTION 18. On or before November 1, 2014, the Oregon Department of Aviation shall**  
12 **report to a joint interim committee of the Legislative Assembly related to the judiciary, or**  
13 **other appropriate interim committees, on:**

14           **“(1) The status of federal regulations relating to unmanned aerial vehicles; and**

15           **“(2) Whether unmanned aerial vehicles operated by private parties should be registered**  
16 **in Oregon in a manner similar to that required for other aircraft.**

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18                                   **“CAPTIONS**

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20           **“SECTION 19. The unit captions used in this 2013 Act are provided only for the conven-**  
21 **ience of the reader and do not become part of the statutory law of this state or express any**  
22 **legislative intent in the enactment of this 2013 Act.**

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24                                   **“EMERGENCY CLAUSE**

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26           **“SECTION 20. This 2013 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
28 **on its passage.”.**

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