

**PROPOSED AMENDMENTS TO
HOUSE BILL 2710**

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

3

4

“DEFINITIONS

5

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

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

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

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

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

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“USE OF DRONES BY LAW ENFORCEMENT AGENCIES

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

“(2) Any image or other information that is acquired through the

1 use of a drone by a law enforcement agency in violation of sections 2
2 to 7 of this 2013 Act, and any evidence derived from that image or in-
3 formation:

4 “(a) Is not admissible in, and may not be disclosed in, a judicial
5 proceeding, administrative proceeding, arbitration proceeding or other
6 adjudicatory proceeding; and

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

9 **“SECTION 3. (1) A law enforcement agency may operate a drone,
10 acquire information through the operation of a drone, or disclose in-
11 formation acquired through the operation of a drone, if:**

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

13 **“(b) The law enforcement agency has probable cause to believe that
14 a crime is being committed at the time the drone is used and exigent
15 circumstances exist that make it unreasonable for the law enforce-
16 ment agency to obtain a warrant authorizing use of a drone;**

17 **“(c) The law enforcement agency has probable cause to believe that
18 the targeted individual intends to commit a crime and circumstances
19 exist that prevent the law enforcement agency from acquiring a war-
20 rant, authorizing use of a drone, before the time at which the law
21 enforcement agency believes the crime will be committed; or**

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

24 **“(2) A warrant authorizing the use of a drone must specify the pe-
25 riod for which operation of the drone is authorized. In no event may
26 a warrant provide for the operation of a drone for a period of more
27 than 30 days. Upon motion and good cause shown, a court may renew
28 a warrant after the expiration of the 30-day period.**

29 **“SECTION 4. A law enforcement agency may operate a drone for
30 the purpose of acquiring information about an individual, or about the**

1 individual's property, if the individual has given written consent to the
2 use of a drone for those purposes.

3 **SECTION 5.** (1) A law enforcement agency may operate a drone,
4 acquire information through the operation of a drone, or disclose in-
5 formation acquired through the operation of a drone, for the purpose
6 of search and rescue activities, as defined in ORS 404.200.

7 **"(2)** A law enforcement agency may operate a drone, acquire infor-
8 mation through the operation of a drone, or disclose information ac-
9 quired through the operation of a drone, for the purpose of assisting
10 an individual in an emergency if:

11 **"(a)** The law enforcement agency reasonably believes that there is
12 an imminent threat to the life or safety of the individual, and docu-
13 ments the factual basis for that belief; and

14 **"(b)** Not more than 48 hours after the emergency operation begins,
15 an official of the law enforcement agency files a sworn statement with
16 the circuit court that describes the nature of the emergency and the
17 need for use of a drone.

18 **"(3)** A law enforcement agency may operate a drone, acquire infor-
19 mation through the operation of a drone, or disclose information ac-
20 quired through the operation of a drone, during a state of emergency
21 that is declared by the Governor under ORS chapter 401 if:

22 **"(a)** The drone is used only for the purposes of preserving public
23 safety, protecting property or conducting surveillance for the assess-
24 ment and evaluation of environmental or weather related damage,
25 erosion or contamination; and

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

28 **SECTION 6.** (1) A law enforcement agency may operate a drone,
29 acquire information through the operation of a drone, or disclose in-
30 formation acquired through the operation of a drone, for the purpose

1 of reconstruction of a specific crime scene, or similar physical assess-
2 ment, related to a specific criminal investigation.

3 “(2) The period that a law enforcement agency may operate a drone
4 under this section may not exceed five days for the purpose of recon-
5 struction of a specific crime scene, or similar physical assessment,
6 related to a specific criminal investigation.

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

9 **“(1) The use of drones; and**

10 **“(2) The acquisition of information through the operation of a
11 drone.**

12

13 **“REGISTRATION OF DRONES USED BY PUBLIC BODIES**

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15 **“SECTION 8. (1) A public body may not operate a drone in the air-
16 space over this state without registering the drone with the Oregon
17 Department of Aviation.**

18 **“(2) The Oregon Department of Aviation may impose a civil penalty
19 of up to \$10,000 against a public body that violates subsection (1) of
20 this section.**

21 **“(3) Evidence obtained by a public body through the use of a drone
22 in violation of subsection (1) of this section is not admissible in any
23 judicial or administrative proceeding and may not be used to establish
24 reasonable suspicion or probable cause to believe that an offense has
25 been committed.**

26 **“(4) The Oregon Department of Aviation shall establish a registry
27 of drones operated by public bodies and may charge a fee sufficient to
28 reimburse the department for the maintenance of the registry.**

29 **“(5) The Oregon Department of Aviation shall require the following
30 information for registration of a drone:**

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

2 “(b) The name and contact information of the individuals who op-
3 erate the drone.

4 “(c) Identifying information for the drone as required by the de-
5 partment by rule.

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

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

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

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

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

18 “(2) The Oregon Department of Aviation and the State Aviation
19 Board may take any action before January 2, 2016, including the
20 adoption of rules, that is necessary to allow implementation of section
21 8 of this 2013 Act on January 2, 2016.

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23 **“PROHIBITION ON USE OF WEAPONIZED DRONES**
24 **BY PUBLIC BODIES**

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26 “SECTION 10. A public body may not operate a drone that is capa-
27 ble of firing a bullet or other projectile, directing a laser or otherwise
28 being used as a weapon.

29

30 **“USE OF INFORMATION ACQUIRED BY PUBLIC BODY DRONES**

1 **“SECTION 11. Any image or other information that is acquired by**
2 **a public body through the use of a drone that has not been approved**
3 **by the Federal Aviation Administration, and any evidence derived**
4 **from that image or information:**

5 **“(1) Is not admissible in, and may not be disclosed in, a judicial**
6 **proceeding, administrative proceeding, arbitration proceeding or other**
7 **adjudicatory proceeding; and**

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

10 **“SECTION 12. Section 11 of this 2013 Act is repealed January 2, 2016.**

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12 **“CRIMES INVOLVING DRONES**

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14 **“SECTION 13. (1) A person commits a Class A felony if the person**
15 **possesses or controls a drone and intentionally causes, or attempts to**
16 **cause, the drone to:**

17 **“(a) Fire a bullet or other projectile at an aircraft while the aircraft**
18 **is in the air;**

19 **“(b) Direct a laser at an aircraft while the aircraft is in the air; or**

20 **“(c) Crash into an aircraft while the aircraft is in the air.**

21 **“(2) A person who intentionally interferes with, or gains unauthor-**
22 **ized control over, a drone licensed by the Federal Aviation Adminis-**
23 **tration, or operated by the Armed Forces of the United States as**
24 **defined in ORS 351.642, an agency of the United States or a federal,**
25 **state or local law enforcement agency, commits a Class C felony.**

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27 **“CIVIL REMEDIES**

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29 **“SECTION 14. In addition to any other remedies allowed by law, a**
30 **person who intentionally interferes with, or gains unauthorized con-**

1 trol over, a drone licensed by the Federal Aviation Administration, or
2 operated by the Armed Forces of the United States as defined in ORS
3 351.642, an agency of the United States or a federal, state or local law
4 enforcement agency, is liable to the owner of the drone in an amount
5 of not less than \$5,000. The court shall award reasonable attorney fees
6 to a prevailing plaintiff in an action under this section.

7 **“SECTION 15. (1) Except as provided in subsection (2) of this sec-**
8 **tion, a person who owns or lawfully occupies real property in this state**
9 **may bring an action against any person or public body that operates**
10 **a drone that is flown at a height of less than 400 feet over the property**
11 **if:**

12 **“(a) The operator of the drone has flown the drone over the prop-**
13 **erty at a height of less than 400 feet on at least one previous occasion;**
14 **and**

15 **“(b) The person notified the owner or operator of the drone that the**
16 **person did not want the drone flown over the property at a height of**
17 **less than 400 feet.**

18 **“(2) A person may not bring an action under this section if:**

19 **“(a) The drone is lawfully in the flight path for landing at an air-**
20 **port, airfield or runway; and**

21 **“(b) The drone is in the process of taking off or landing.**

22 **“(3) A prevailing plaintiff may recover treble damages for any in-**
23 **jury to the person or the property by reason of a trespass by a drone**
24 **as described in this section, and may be awarded injunctive relief in**
25 **the action.**

26 **“(4) A prevailing plaintiff may recover attorney fees under ORS**
27 **20.080 if the amount pleaded in an action under this section is \$10,000**
28 **or less.**

29 **“(5) The Attorney General, on behalf of the State of Oregon, may**
30 **bring an action or claim for relief alleging nuisance or trespass arising**

1 from the operation of a drone in the airspace over this state. A court
2 shall award reasonable attorney fees to the Attorney General if the
3 Attorney General prevails in an action under this section.

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5 **“APPLICABILITY TO ARMED FORCES**

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7 **“SECTION 16.** Sections 1 to 17 of this 2013 Act do not apply to the
8 Armed Forces of the United States as defined in ORS 351.642.

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

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12 **“SECTION 17.** Except as expressly authorized by state statute, the
13 authority to regulate the ownership or operation of drones is vested
14 solely in the Legislative Assembly. Except as expressly authorized by
15 state statute, a local government, as defined ORS 174.116, may not
16 enact an ordinance or resolution that regulates the ownership or op-
17 eration of drones or otherwise engage in the regulation of the owner-
18 ship or operation of drones.

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20 **“REPORT TO LEGISLATURE**

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22 **“SECTION 18.** On or before November 1, 2014, the Oregon Depart-
23 ment of Aviation shall report to a joint interim committee of the
24 Legislative Assembly related to the judiciary, or other appropriate in-
25 terim committees, on:

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

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

