

**PROPOSED AMENDMENTS TO
HOUSE BILL 2354**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete pages
2 2 through 5 and insert:

3 **“SECTION 1.** ORS 837.300 is amended to read:

4 “837.300. As used in ORS 837.300 to 837.390 and 837.995 [*and section 11,*
5 *chapter 686, Oregon Laws 2013*]:

6 “(1) [*Drone*] ‘**Unmanned aircraft system**’ means an unmanned flying
7 machine. [*Drone*] ‘**Unmanned aircraft system**’ does not include a model
8 aircraft as defined in section 336 of the FAA Modernization and Reform Act
9 of 2012 (P.L. 112-95) as in effect on July 29, 2013.

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

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

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

14 **“SECTION 2.** ORS 837.310 is amended to read:

15 “837.310. (1) Except as otherwise provided in ORS 837.310 to 837.345, a law
16 enforcement agency may not operate [*a drone*] **an unmanned aircraft sys-**
17 **tem**, acquire information through the operation of [*a drone*] **an unmanned**
18 **aircraft system** or disclose information acquired through the operation of
19 [*a drone*] **an unmanned aircraft system**.

20 “(2) Any image or other information that is acquired through the use of
21 [*a drone*] **an unmanned aircraft system** by a law enforcement agency in
22 violation of ORS 837.310 to 837.345, and any evidence derived from that im-

1 age or information:

2 “(a) Is not admissible in, and may not be disclosed in, a judicial pro-
3 ceeding, administrative proceeding, arbitration proceeding or other
4 adjudicatory proceeding; and

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

7 **“SECTION 3.** ORS 837.320 is amended to read:

8 “837.320. (1) A law enforcement agency may operate [*a drone*] **an un-**
9 **manned aircraft system**, acquire information through the operation of [*a*
10 *drone*] **an unmanned aircraft system**, or disclose information acquired
11 through the operation of [*a drone*] **an unmanned aircraft system**, if:

12 “(a) A warrant is issued authorizing use of [*a drone*] **an unmanned air-**
13 **craft system**; or

14 “(b) The law enforcement agency has probable cause to believe that a
15 person has committed a crime, is committing a crime or is about to commit
16 a crime, and exigent circumstances exist that make it unreasonable for the
17 law enforcement agency to obtain a warrant authorizing use of [*a drone*] **an**
18 **unmanned aircraft system**.

19 “(2) A warrant authorizing the use of [*a drone*] **an unmanned aircraft**
20 **system** must specify the period for which operation of the [*drone*] **un-**
21 **manned aircraft system** is authorized. In no event may a warrant provide
22 for the operation of [*a drone*] **an unmanned aircraft system** for a period
23 of more than 30 days. Upon motion and good cause shown, a court may renew
24 a warrant after the expiration of the 30-day period.

25 **“SECTION 4.** ORS 837.330 is amended to read:

26 “837.330. A law enforcement agency may operate [*a drone*] **an unmanned**
27 **aircraft system** for the purpose of acquiring information about an individ-
28 ual, or about the individual’s property, if the individual has given written
29 consent to the use of [*a drone*] **an unmanned aircraft system** for those
30 purposes.

1 **“SECTION 5.** ORS 837.335 is amended to read:

2 “837.335. (1) A law enforcement agency may operate [*a drone*] **an un-**
3 **manned aircraft system**, acquire information through the operation of [*a*
4 *drone*] **an unmanned aircraft system**, or disclose information acquired
5 through the operation of [*a drone*] **an unmanned aircraft system**, for the
6 purpose of search and rescue activities, as defined in ORS 404.200.

7 “(2) A law enforcement agency may operate [*a drone*] **an unmanned**
8 **aircraft system**, acquire information through the operation of [*a drone*] **an**
9 **unmanned aircraft system**, or disclose information acquired through the
10 operation of [*a drone*] **an unmanned aircraft system**, for the purpose of
11 assisting an individual in an emergency if:

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

15 “(b) Not more than 48 hours after the emergency operation begins, an
16 official of the law enforcement agency files a sworn statement with the cir-
17 cuit court that describes the nature of the emergency and the need for use
18 of [*a drone*] **an unmanned aircraft system**.

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

24 “(a) The [*drone*] **unmanned aircraft system** is used only for the pur-
25 poses of preserving public safety, protecting property or conducting surveil-
26 lance for the assessment and evaluation of environmental or weather related
27 damage, erosion or contamination; and

28 “(b) The [*drone*] **unmanned aircraft system** is operated only in the ge-
29 ographical area specified in a proclamation pursuant to ORS 401.165 (5).

30 **“SECTION 6.** ORS 837.340 is amended to read:

1 “837.340. (1) A law enforcement agency may operate [*a drone*] **an un-**
2 **manned aircraft system**, acquire information through the operation of [*a*
3 *drone*] **an unmanned aircraft system**, or disclose information acquired
4 through the operation of [*a drone*] **an unmanned aircraft system**, for the
5 purpose of reconstruction of a specific crime scene, or similar physical as-
6 sessment, related to a specific criminal investigation.

7 “(2) The period that a law enforcement agency may operate [*a drone*] **an**
8 **unmanned aircraft system** under this section may not exceed five days for
9 the purpose of reconstruction of a specific crime scene, or similar physical
10 assessment, related to a specific criminal investigation.

11 **“SECTION 7.** ORS 837.345 is amended to read:

12 “837.345. (1) A law enforcement agency may operate [*a drone*] **an un-**
13 **manned aircraft system** for the purpose of training in:

14 “(a) The use of [*drones*] **unmanned aircraft systems**; and

15 “(b) The acquisition of information through the operation of [*a drone*] **an**
16 **unmanned aircraft system**.

17 “(2) Any image or other information that is acquired through the use of
18 [*a drone*] **an unmanned aircraft system** by a law enforcement agency un-
19 der this section, and any evidence derived from that image or information:

20 “(a) Is not admissible in, and may not be disclosed in, a judicial pro-
21 ceeding, administrative proceeding, arbitration proceeding or other
22 adjudicatory proceeding; and

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

25 **“SECTION 8.** ORS 837.360 is amended to read:

26 “837.360. (1) A public body may not operate [*a drone*] **an unmanned**
27 **aircraft system** in the airspace over this state without registering the
28 [*drone*] **unmanned aircraft system** with the Oregon Department of Avi-
29 ation.

30 “(2) The Oregon Department of Aviation may impose a civil penalty of

1 up to \$10,000 against a public body that violates subsection (1) of this sec-
2 tion.

3 “(3) Evidence obtained by a public body through the use of [*a drone*] **an**
4 **unmanned aircraft system** in violation of subsection (1) of this section is
5 not admissible in any judicial or administrative proceeding and may not be
6 used to establish reasonable suspicion or probable cause to believe that an
7 offense has been committed.

8 “(4) The Oregon Department of Aviation shall establish a registry of
9 [*drones*] **unmanned aircraft systems** operated by public bodies and may
10 charge a fee sufficient to reimburse the department for the maintenance of
11 the registry.

12 “(5) The Oregon Department of Aviation shall require the following in-
13 formation for registration of [*a drone*] **an unmanned aircraft system**:

14 “(a) The name of the public body that owns or operates the [*drone*] **un-**
15 **manned aircraft system**.

16 “(b) The name and contact information of the individuals who operate the
17 [*drone*] **unmanned aircraft system**.

18 “(c) Identifying information for the [*drone*] **unmanned aircraft system**
19 as required by the department by rule.

20 “(6) A public body that registers one or more [*drones*] **unmanned air-**
21 **craft systems** under this section shall provide an annual report to the
22 Oregon Department of Aviation that summarizes:

23 “(a) The frequency of use of the [*drones*] **unmanned aircraft systems**
24 by the public body during the preceding calendar year; and

25 “(b) The purposes for which the [*drones*] **unmanned aircraft systems**
26 have been used by the public body during the preceding calendar year.

27 “(7) The State Aviation Board may adopt all rules necessary for the reg-
28 istration of [*drones*] **unmanned aircraft systems** in Oregon that are con-
29 sistent with federal laws and regulations.

30 **“SECTION 9.** ORS 837.365 is amended to read:

1 “837.365. A public body may not operate [*a drone*] **an unmanned aircraft**
2 **system** that is capable of firing a bullet or other projectile, directing a laser
3 or otherwise being used as a weapon.

4 **“SECTION 10.** ORS 837.375 is amended to read:

5 “837.375. In addition to any other remedies allowed by law, a person who
6 intentionally interferes with, or gains unauthorized control over, [*a drone*]
7 **an unmanned aircraft system** licensed by the Federal Aviation Adminis-
8 tration, or operated by the Armed Forces of the United States as defined in
9 ORS 351.642, an agency of the United States or a federal, state or local law
10 enforcement agency, is liable to the owner of the [*drone*] **unmanned air-**
11 **craft system** in an amount of not less than \$5,000. The court shall award
12 reasonable attorney fees to a prevailing plaintiff in an action under this
13 section.

14 **“SECTION 11.** ORS 837.380 is amended to read:

15 “837.380. (1) Except as provided in subsection (2) of this section, a person
16 who owns or lawfully occupies real property in this state may bring an
17 action against any person or public body that operates [*a drone*] **an un-**
18 **manned aircraft system** that is flown [*at a height of less than 400 feet*] over
19 the property if:

20 “(a) The operator of the [*drone*] **unmanned aircraft system** has flown
21 the [*drone*] **unmanned aircraft system** over the property [*at a height of less*
22 *than 400 feet*] on at least one previous occasion; and

23 “(b) The person notified the owner or operator of the [*drone*] **unmanned**
24 **aircraft system** that the person did not want the [*drone*] **unmanned air-**
25 **craft system** flown over the property [*at a height of less than 400 feet*].

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

27 “(a) The [*drone*] **unmanned aircraft system** is lawfully in the flight path
28 for landing at an airport, airfield or runway; and

29 “(b) The [*drone*] **unmanned aircraft system** is in the process of taking
30 off or landing.

1 “(3) A prevailing plaintiff may recover treble damages for any injury to
2 the person or the property by reason of a trespass by [*a drone*] **an un-**
3 **manned aircraft system** as described in this section, and may be awarded
4 injunctive relief in the action.

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

7 “(5) The Attorney General, on behalf of the State of Oregon, may bring
8 an action or claim for relief alleging nuisance or trespass arising from the
9 operation of [*a drone*] **an unmanned aircraft system** in the airspace over
10 this state. A court shall award reasonable attorney fees to the Attorney
11 General if the Attorney General prevails in an action under this section.

12 **“SECTION 12.** ORS 837.385 is amended to read:

13 “837.385. Except as expressly authorized by state statute, the authority to
14 regulate the ownership or operation of [*drones*] **unmanned aircraft sys-**
15 **tems** is vested solely in the Legislative Assembly. Except as expressly au-
16 thorized by state statute, a local government, as defined ORS 174.116, may
17 not enact an ordinance or resolution that regulates the ownership or opera-
18 tion of [*drones*] **unmanned aircraft systems** or otherwise engage in the
19 regulation of the ownership or operation of [*drones*] **unmanned aircraft**
20 **systems.**

21 **“SECTION 13.** ORS 837.995 is amended to read:

22 “837.995. (1) A person commits a Class A felony if the person possesses
23 or controls [*a drone*] **an unmanned aircraft system** and intentionally
24 causes, or attempts to cause, the [*drone*] **unmanned aircraft system** to:

25 “(a) Fire a bullet or other projectile at an aircraft while the aircraft is
26 in the air;

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

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

29 “(2) A person who intentionally interferes with, or gains unauthorized
30 control over, [*a drone*] **an unmanned aircraft system** licensed by the Fed-

1 eral Aviation Administration, or operated by the Armed Forces of the United
2 States as defined in ORS 351.642, an agency of the United States or a federal,
3 state or local law enforcement agency, commits a Class C felony.”.

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