

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/8

WHAT THE MEASURE DOES: Modifies statutes relating to unmanned aircraft systems (UAS). Makes Class A misdemeanor if any person operates UAS that is capable of firing bullet or projectile, or otherwise operates as a dangerous weapon. Modifies definition of UAS to apply to all flying machines, including model aircraft. Removes UASs from felony crime of endangering aircraft. Creates new violation of reckless interference with aircraft. Requires public bodies using UAS in Oregon to establish policies and procedures for use, storage, accessing, sharing, and retention of data collected through UAS operation. Requires policy be made available to public. Requires instructions be given on how to locate flight information. Prohibits use of UAS gathered data without a warrant to establish probable cause for crime. Declares emergency; effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-1) amendments remove prohibition on establishment of probable cause through public body data obtained without a warrant.

Proposed (-3) amendments remove private right of action against operator who flies UAS in compliance with Federal Aviation Administration authorization. Creates violation if person knowingly or intentionally operates UAS over critical facility with altitude of 400 feet or lower or makes contact with critical facility with UAS. Defines critical facility. Exempts public bodies, federal government, law enforcement agencies, owners or operators of facility, commercial flights in accordance with FAA authorization, or those with prior written permission for flight.

Proposed (-4) amendments add mental state of intentional, knowing, or reckless to weaponization of drone. Provides until January 1, 2017 for public bodies to develop policies and procedures. Remove requirement to provide information on flights and nature of data collected.

Proposed (-6) amendments incorporate (-3) amendments, but sunset critical facilities provisions March 1, 2018.

BACKGROUND: In 2013, the Oregon Legislature enacted House Bill 2710, which provides guidance and restrictions on the use of “drones” within Oregon. Drones, or UASs are unmanned flying machines and may be as large as a small aircraft, or the size of a small bird. The initial legislation restricted law enforcement use of UASs to situations in which law enforcement has a warrant, with consent, or for search and rescue and emergency situations. It also created a civil right of action for individuals who do not want UASs operated over their property. House Bill 2354 in 2015 further modified the private right of action and changed the term “drone” to “unmanned aircraft system” throughout the statute to be consistent with federal law.

House Bill 4066 continues to address concerns raised by new technology. The measure applies a prohibition on weaponizing UASs to all users and creates a new violation for interfering with the flight of another aircraft. The measure also requires public bodies that use UASs to develop policies and procedures for safeguarding the information gathered from UAS operations.

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This summary has not been adopted or officially endorsed by action of the committee.