

HB 3047 A -A8, -A10 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 5/25, 5/31

WHAT THE MEASURE DOES:

Provides exemption to crime of weaponized unmanned aircraft system (UAS) when person uses a UAS capable of firing a bullet or projectile with specific authorization from Federal Aviation Administration (FAA); gives notice to Department of Aviation, Oregon State Police, and any other agency that issues a permit or license for the activity; and provides reasonable notice to public if use is in public area. Agency notification requirement does not apply to certain educational institutions. Prohibits use of UAS capable of firing bullet or projectile for crowd management. Allows UAS use by law enforcement agencies to acquire accident scene information.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A8 Limits exception to nonlethal projectiles for purposes other than to injure or kill persons or animals. Prohibits use of UAS capable of releasing, discharging, propelling or ejecting a projectile for purpose of crowd management.

-A10 Creates Class C felony for operating a UAS to fire a bullet or projectile or otherwise operate it as a dangerous weapon. Creates Class B felony if UAS fires bullet or projectile or operates as a dangerous weapon and this results in serious physical injury. Limits exceptions for this offense to nonlethal projectiles for purposes other than to injure or kill persons or animals. Prohibits use of UAS capable of releasing, discharging, propelling or ejecting a projectile for purpose of crowd management. Adds requirement that exception applies to non-recreational purposes in compliance with the FAA. Adds requirement that person operating a UAS within this exception carry liability insurance for \$1 million. Removes notice exception for high schools. Creates offense for intentionally, knowingly or recklessly operating a drone over private property to harass or annoy the owner of the property. First offense Class B violation, second offense is a Class A violation, and third offense is a Class B misdemeanor. Allows judge to prohibit defendant from possessing UAS while on probation.

BACKGROUND:

In 2013, the Oregon Legislative Assembly enacted House Bill 2710, which provides guidance and restrictions on the use of “drones” within Oregon. Drones, or UAS, 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 UAS to situations in which law enforcement has a warrant or consent, or for search and rescue and emergency situations. It also created a civil right of action for individuals who do not want UAS operated over their property. House Bill 2354 in 2015 modified the private right of action and changed the term “drone” to “unmanned aircraft system” to be consistent with federal law. House Bill 4066 in the 2016 session prohibited weaponizing UAS, making it a Class A misdemeanor to intentionally, knowingly, or recklessly use a UAS capable of firing a bullet or projectile or use a UAS in a way that

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functions as a dangerous weapon.

House Bill 3047-A exempts from the crime of weaponizing a UAS those who use bullets or projectiles on the UAS; notify the Oregon State Police, Department of Aviation and any other agency that issues a permit or license for the activity at least five days before using the UAS; provide reasonable notice to the public if using the UAS in a public area; and operate the UAS under FAA authorization. HB 3047-A provides an exemption from the agency notice requirements for certain educational institutions. It also allows law enforcement agencies to use a UAS to acquire accident scene information.