

**B-Engrossed**  
**House Bill 3047**

Ordered by the Senate June 9  
Including House Amendments dated April 17 and Senate Amendments  
dated June 9

Sponsored by Representative HUFFMAN

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates exception allowing use of unmanned aircraft system capable of firing bullet or projectile in certain circumstances.

Allows law enforcement agency to use unmanned aircraft system for purpose of reconstruction of accident scene.

**Provides that person may not operate unmanned aircraft system over privately owned premises in manner so as to harass or annoy owner or occupant of premises. Provides exception.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to unmanned aircraft systems; creating new provisions; amending ORS 837.340 and 837.365;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 837.365, as amended by section 2, chapter 72, Oregon Laws 2016, is amended  
6 to read:

7 837.365. [*A person commits a Class A misdemeanor if the person intentionally, knowingly or*  
8 *recklessly operates an unmanned aircraft system that is capable of firing a bullet or projectile or oth-*  
9 *erwise operates an unmanned aircraft system in a manner that causes the system to function as a*  
10 *dangerous weapon as defined in ORS 161.015.*]

11 **(1) Except as provided in subsection (2) of this section, a person may not intentionally,**  
12 **knowingly or recklessly operate or cause to be operated an unmanned aircraft system that**  
13 **is capable of firing a bullet or projectile or otherwise operate or cause to be operated an**  
14 **unmanned aircraft system in a manner that causes the system to function as a dangerous**  
15 **weapon as defined in ORS 161.015.**

16 **(2)(a) Except as provided in paragraphs (b) and (c) of this subsection, violation of sub-**  
17 **section (1) of this section is a Class A misdemeanor.**

18 **(b) If the person intentionally, knowingly or recklessly operates an unmanned aircraft**  
19 **system to fire a bullet or projectile or otherwise operates an unmanned aircraft system in**  
20 **a manner that causes the system to function as a dangerous weapon as defined in ORS**  
21 **161.015, violation of subsection (1) of this section is a Class C felony.**

22 **(c) If the person intentionally, knowingly or recklessly operates an unmanned aircraft**  
23 **system to fire a bullet or projectile or otherwise operates an unmanned aircraft system in**  
24 **a manner that causes the system to function as a dangerous weapon as defined in ORS**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **161.015, and the operation of the unmanned aircraft system causes serious physical injury**  
2 **to another person as both terms are defined in ORS 161.015, violation of subsection (1) of this**  
3 **section is a Class B felony.**

4 **(3) Subsection (1) of this section does not apply if:**

5 **(a) The person uses the unmanned aircraft system to release, discharge, propel or eject**  
6 **a nonlethal projectile for purposes other than to injure or kill persons or animals;**

7 **(b) The person uses the unmanned aircraft system for nonrecreational purposes in com-**  
8 **pliance with specific authorization from the Federal Aviation Administration;**

9 **(c) The person notifies the Oregon Department of Aviation, the Oregon State Police and**  
10 **any other agency that issues a permit or license for the activity requiring the use of the**  
11 **unmanned aircraft system of the time and location at which the person intends to use an**  
12 **unmanned aircraft system that is capable of releasing, discharging, propelling or ejecting a**  
13 **projectile at least five days before the person uses the system;**

14 **(d) If the person intends to use an unmanned aircraft system that is capable of releasing,**  
15 **discharging, propelling or ejecting a projectile in an area open to the public, the person pro-**  
16 **vides reasonable notice to the public of the time and location at which the person intends**  
17 **to use the unmanned aircraft system; and**

18 **(e) The person maintains a liability insurance policy in an amount not less than \$1 million**  
19 **that covers injury resulting from use of the unmanned aircraft system.**

20 **(4) The notification requirement of subsection (3)(c) of this section does not apply to:**

21 **(a) A career school licensed under ORS 345.010 to 345.450;**

22 **(b) A community college as defined in ORS 341.005;**

23 **(c) An education service district as defined in ORS 334.003;**

24 **(d) The Oregon Health and Science University;**

25 **(e) A public university listed in ORS 352.002; or**

26 **(f) An institution that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2).**

27 **(5) Notwithstanding subsection (3) of this section, a person may not use an unmanned**  
28 **aircraft system that is capable of releasing, discharging, propelling or ejecting a projectile**  
29 **for purposes of crowd management.**

30 **SECTION 2. ORS 837.340 is amended to read:**

31 837.340. (1) A law enforcement agency may operate an unmanned aircraft system, acquire in-  
32 formation through the operation of an unmanned aircraft system, or disclose information acquired  
33 through the operation of an unmanned aircraft system, for the purpose of reconstruction of a specific  
34 crime scene **or accident scene**, or similar physical assessment, related to a specific [*criminal*] in-  
35 vestigation.

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

39 **SECTION 3. Section 4 of this 2017 Act is added to and made a part of ORS 837.300 to**  
40 **837.390.**

41 **SECTION 4. (1) Except as provided in subsection (2) of this section, a person may not**  
42 **operate an unmanned aircraft system over the boundaries of privately owned premises in a**  
43 **manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occu-**  
44 **pant of the privately owned premises.**

45 **(2) Subsection (1) of this section does not apply to the use of an unmanned aircraft sys-**

1 **tem by a law enforcement agency under ORS 837.335.**

2 **(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, violation of sub-**  
3 **section (1) of this section is a Class B violation.**

4 **(b) If, at the time of the offense, the person has one prior conviction under this section,**  
5 **violation of subsection (1) of this section is a Class A violation.**

6 **(c) If, at the time of the offense, the person has two or more prior convictions under this**  
7 **section, violation of subsection (1) of this section is a Class B misdemeanor.**

8 **(d) If the court imposes a sentence of probation for a violation under paragraph (c) of**  
9 **this subsection, the court may order as a condition of probation that the person may not**  
10 **possess an unmanned aircraft system.**

11 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**  
12 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
13 **on its passage.**

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