

SENATE AMENDMENTS TO SENATE BILL 238

By COMMITTEE ON JUDICIARY

April 14

1 In line 2 of the printed bill, before the period insert “; amending ORS 837.320 and 837.370; and
2 repealing ORS 837.330, 837.335 and 837.340”.

3 Delete lines 4 through 9 and insert:

4 “**SECTION 1.** ORS 837.320 is amended to read:

5 “837.320. *[(1) A law enforcement agency may operate an unmanned aircraft system, acquire infor-*
6 *mation through the operation of an unmanned aircraft system, or disclose information acquired through*
7 *the operation of an unmanned aircraft system, if:]*

8 “[*(a) A warrant is issued authorizing use of an unmanned aircraft system; or]*

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

13 “[*(2) A warrant authorizing the use of an unmanned aircraft system must specify the period for*
14 *which operation of the unmanned aircraft system is authorized. In no event may a warrant provide for*
15 *the operation of an unmanned aircraft system for a period of more than 30 days. Upon motion and good*
16 *cause shown, a court may renew a warrant after the expiration of the 30-day period.]*

17 “**(1) A law enforcement agency or a law enforcement officer may operate an unmanned**
18 **aircraft system, acquire information through the operation of an unmanned aircraft system**
19 **or disclose information acquired through the operation of an unmanned aircraft system, in**
20 **connection with lawful police activity, when the law enforcement agency is:**

21 “**(a) Responding to any call for law enforcement services.**

22 “**(b) Responding to a public safety emergency in which personal injury or damage to**
23 **property could occur.**

24 “**(c) Conducting search and rescue operations.**

25 “**(d) Conducting training as provided in ORS 837.345.**

26 “**(e) Obtaining information about a property when the property owner has consented.**

27 “**(f) Executing a warrant.**

28 “**(g) Responding to exigent circumstances that make it unreasonable for the law**
29 **enforcement agency to obtain a warrant authorizing use of an unmanned aircraft system, if**
30 **probable cause exists to believe that a person has committed a crime, is committing a crime**
31 **or is about to commit a crime.**

32 “**(h) Operating an unmanned aircraft system as authorized by a warrant issued by a**
33 **court.**

34 “**(2) A law enforcement agency or a law enforcement officer may operate an unmanned**
35 **aircraft system not in connection with police activity only if all cameras on the unmanned**

1 aircraft system are:

2 “(a) Stowed; or

3 “(b) Positioned to provide situational awareness for flight and used only for airspace de-
4 confliction.

5 “(3) Except as otherwise authorized by this section, a law enforcement agency or a law
6 enforcement officer may not operate an unmanned aircraft system to conduct surveillance
7 over the boundaries of commercial property unless the property owner has consented and
8 the property owner has posted conspicuous notice that a law enforcement agency may be
9 operating an unmanned aircraft system over the property.

10 “(4) Except as otherwise authorized by this section, a law enforcement agency or a law
11 enforcement officer may not operate an unmanned aircraft system for purposes of traffic
12 enforcement, except when the law enforcement agency is actively pursuing a fleeing suspect.

13 “(5) Notwithstanding the provisions of this section, a law enforcement agency may not
14 use an unmanned aircraft system to collect or maintain information in a manner prohibited
15 by ORS 181A.250.

16 “**SECTION 2.** ORS 837.370 is amended to read:

17 “837.370. (1) [*Except as provided in subsection (2) of this section,*] A person may not operate an
18 unmanned aircraft system over the boundaries of privately owned premises in a manner so as to
19 intentionally, knowingly or recklessly harass or annoy the owner or occupant of the privately owned
20 premises.

21 “[*(2) Subsection (1) of this section does not apply to the use of an unmanned aircraft system by a*
22 *law enforcement agency under ORS 837.335.*]

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

25 “(b) If, at the time of the offense, the person has one prior conviction under this section, vio-
26 lation of subsection (1) of this section is a Class A violation.

27 “(c) If, at the time of the offense, the person has two or more prior convictions under this sec-
28 tion, violation of subsection (1) of this section is a Class B misdemeanor.

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

32 “**SECTION 3.** ORS 837.330, 837.335 and 837.340 are repealed.”
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