

1 S.169

2 Introduced by Senators Pollina and Zuckerman

3 Referred to Committee on

4 Date:

5 Subject: Public safety; drones

6 Statement of purpose of bill as introduced: This bill proposes to establish  
7 regulations for the use of drones, also known as unmanned aerial vehicles. The  
8 bill proposes to permit a law enforcement agency to use a drone only if the  
9 agency obtains a warrant or if emergency circumstances exist.

10 An act relating to regulating the use of drones

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 20 V.S.A. chapter 205 is added to read:

13 CHAPTER 205. DRONES

14 § 4621. DEFINITIONS

15 As used in this chapter:

16 (1) “Drone” means a powered aerial vehicle that does not carry a human  
17 operator and is able to fly autonomously or to be piloted remotely.

18 (2) “Law enforcement agency” means:

19 (A) the Department of Public Safety;

20 (B) a municipal police department;

- 1           (C) a sheriff's department;  
2           (D) the Attorney General's Office;  
3           (E) a state's attorney's office; or  
4           (F) the Capitol Police Department.

5       § 4622. LAW ENFORCEMENT USE OF DRONES

6           (a) Except as provided in subsection (b) of this section, a law enforcement  
7           agency shall not use a drone for any purpose or disclose or receive information  
8           acquired through the operation of a drone.

9           (b) A law enforcement agency may use a drone and may disclose or receive  
10          information acquired through the operation of a drone if the drone is operated  
11          under:

12           (1) a warrant obtained pursuant to Rule 41 of the Vermont Rules of  
13          Criminal Procedure; or

14           (2) emergency circumstances pursuant to section 4623 of this title.

15          (c)(1) When a drone is used pursuant to subsection (b) of this section, the  
16          drone shall be operated in a manner to collect data only on the target of the  
17          surveillance and to avoid data collection on any other person, home, or area.

18           (2) If a drone used pursuant to subsection (b) of this section collects data  
19          on any person, home, or area other than the target of the surveillance, the data:

20           (A) shall not be used, copied, or disclosed for any purpose; and

1           (B) shall be deleted as soon as possible and in no event later than  
2           24 hours after the data were collected.

3           (3) Facial recognition or any other biometric matching technology shall  
4           not be used on any data that a drone collects on any person, home, or area  
5           other than the target of the surveillance.

6           (d) Information or evidence gathered in violation of this section shall be  
7           inadmissible in any judicial or administrative proceeding.

8           (e) Drones shall not be equipped with weapons.

9           § 4623. USE OF DRONES IN EMERGENCY SITUATIONS

10          (a) A law enforcement agency may use a drone and may disclose or receive  
11          information acquired through the operation of a drone if:

12               (1) an emergency situation exists in which it is reasonable to believe  
13               there is an imminent threat of death or serious bodily injury to any person; and

14               (2) the law enforcement agency obtains a search warrant for the use of  
15               the drone within 48 hours after the use commenced.

16          (b) If the court denies an application for a warrant filed pursuant to  
17          subdivision (a)(2) of this section:

18               (1) use of the drone shall immediately cease; and

19               (2) information or evidence gathered through use of the drone shall be  
20               inadmissible in any judicial or administrative proceeding.

21          (c) If a law enforcement agency using a drone in an emergency situation

1 pursuant to this section obtains the information sought, the agency shall  
2 immediately cease use of the drone.

3 § 4624. NONLAW-ENFORCEMENT USE OF DRONES

4 Any use of drones by any person other than a law enforcement agency shall  
5 comply with all Federal Aviation Administration requirements and guidelines.

6 § 4625. REPORTS

7 (a) On or before September 1 of each year, any law enforcement agency  
8 that has used a drone within the previous 12 months shall report the following  
9 information to the Department of Public Safety:

10 (1) The number of times the agency used a drone within the previous  
11 12 months. For each use of a drone the agency shall report the type of incident  
12 involved, the nature of the information collected, and the rationale for  
13 deployment of the drone.

14 (2) The number of criminal investigations aided and arrests made  
15 through use of information gained by the use of drones within the previous  
16 12 months, including a description of how the drone aided each investigation  
17 or arrest.

18 (3) The number of times a drone collected data on any person, home, or  
19 area other than the target of the surveillance within the previous 12 months and  
20 the type of data collected in each instance.

1           (4) The cost of the agency's unmanned aerial vehicle program and the  
2 program's source of funding.

3           (b) On or before December 1 of each year, the Department of Public Safety  
4 shall report the information collected under subsection (a) of this section to the  
5 House and Senate Committees on Judiciary and on Government Operations.

6           (c) On or before December 1 of each year, the Administrative Judge shall  
7 report to the House and Senate Committees on Judiciary and on Government  
8 Operations on the application for and issuance of warrants for the use of drones  
9 during the previous 12 months. The report shall include:

10           (1) the number of applications for warrants authorizing the use of drones  
11 during the previous 12 months and the number of applications for warrants  
12 granted and denied, including any extensions applied for, granted, or denied;

13           (2) the period of time for which drone use was authorized by each  
14 warrant, including any extensions;

15           (3) the alleged criminal conduct that was the subject of the warrant; and

16           (4) the law enforcement agency that applied for the warrant; and

17           (5) the number of convictions obtained in cases where information was  
18 gained by the use of drones within the previous 12 months and the offenses for  
19 which the convictions were obtained.

20       Sec. 2. EFFECTIVE DATE

21           This act shall take effect on passage.