

1 H.540

2 Introduced by Representatives Christie of Hartford, Burditt of West Rutland,
3 Deen of Westminster, Donahue of Northfield, Lippert of
4 Hinesburg, Pearson of Burlington, Scheuermann of Stowe,
5 Sweaney of Windsor, Botzow of Pownal, Brennan of
6 Colchester, Campion of Bennington, Conquest of Newbury,
7 Cupoli of Rutland City, Fisher of Lincoln, Kilmartin of
8 Newport City, Koch of Barre Town, Komline of Dorset, Marek
9 of Newfane, Martin of Springfield, Peltz of Woodbury, Ram of
10 Burlington, Spengler of Colchester, Townsend of South
11 Burlington, Wilson of Manchester, and Zagar of Barnard

12 Referred to Committee on

13 Date:

14 Subject: Public safety; drones

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

19 An act relating to regulating the use of drones

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

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

4 CHAPTER 205. DRONES

5 § 4621. DEFINITIONS

6 As used in this chapter:

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

9 (2) “Law enforcement agency” means:

10 (A) the Department of Public Safety;

11 (B) a municipal police department;

12 (C) a sheriff’s department;

13 (D) the Attorney General’s Office;

14 (E) a state’s attorney’s office; or

15 (F) the Capitol Police Department.

16 § 4622. LAW ENFORCEMENT USE OF DRONES

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

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

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

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

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

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

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

13 (B) shall be deleted as soon as possible and in no event later than
14 24 hours after the data were collected.

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

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

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

1 § 4623. USE OF DRONES IN EMERGENCY SITUATIONS

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

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

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

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

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

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

13 (c) If a law enforcement agency using a drone in an emergency situation
14 pursuant to this section obtains the information sought, the agency shall
15 immediately cease use of the drone.

16 § 4624. NONLAW-ENFORCEMENT USE OF DRONES

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

19 § 4625. REPORTS

20 (a) On or before September 1 of each year, any law enforcement agency
21 that has used a drone within the previous 12 months shall report the following

1 information to the Department of Public Safety:

2 (1) The number of times the agency used a drone within the previous
3 12 months. For each use of a drone the agency shall report the type of incident
4 involved, the nature of the information collected, and the rationale for
5 deployment of the drone.

6 (2) The number of criminal investigations aided and arrests made
7 through use of information gained by the use of drones within the previous
8 12 months, including a description of how the drone aided each investigation
9 or arrest.

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

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

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

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

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

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

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

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

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

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on passage.