

1 H.302

2 Introduced by Representatives Christie of Hartford, Botzow of Pownal,
3 Brennan of Colchester, Burditt of West Rutland, Cupoli of
4 Rutland City, Dakin of Chester, Head of South Burlington,
5 Hooper of Montpelier, Komline of Dorset, Lippert of
6 Hinesburg, Martin of Wolcott, McCormack of Burlington,
7 Mrowicki of Putney, Sweaney of Windsor, Townsend of
8 South Burlington, Troiano of Stannard, Van Wyck of
9 Ferrisburgh, and Zagar of Barnard

10 Referred to Committee on

11 Date:

12 Subject: Public safety; drones

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

17 An act relating to regulating the use of drones

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

1 Sec. 1. 20 V.S.A. Part 11 is added to read:

2 Part 11. DRONES

3 CHAPTER 205. DRONES

4 § 4621. DEFINITIONS

5 As used in this chapter:

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

8 (2) “Law enforcement agency” means:

9 (A) the Department of Public Safety;

10 (B) a municipal police department;

11 (C) a sheriff’s department;

12 (D) the Attorney General’s Office;

13 (E) a State’s Attorney’s office; or

14 (F) the Capitol Police Department.

15 § 4622. LAW ENFORCEMENT USE OF DRONES

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

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

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

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

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

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

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

10 (B) shall be deleted as soon as possible and in no event later than
11 24 hours after the data were collected.

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

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

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

18 § 4623. USE OF DRONES IN EMERGENCY SITUATIONS

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

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

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

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

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

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

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

13 § 4624. NON-LAW ENFORCEMENT USE OF DRONES

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

16 § 4625. REPORTS

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

20 (1) The number of times the agency used a drone within the previous
21 12 months. For each use of a drone, the agency shall report the type of

1 incident involved, the nature of the information collected, and the rationale for
2 deployment of the drone.

3 (2) The number of criminal investigations aided and arrests made
4 through use of information gained by the use of drones within the previous
5 12 months, including a description of how the drone aided each investigation
6 or arrest.

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

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

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

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

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

- 1 (2) the period of time for which drone use was authorized by each
2 warrant, including any extensions;
3 (3) the alleged criminal conduct that was the subject of the warrant;
4 (4) the law enforcement agency that applied for the warrant; and
5 (5) the number of convictions obtained in cases where information was
6 gained by the use of drones within the previous 12 months and the offenses for
7 which the convictions were obtained.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.