

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 155
3 entitled “An act relating to privacy protection” respectfully reports that it has
4 considered the same and recommends that the bill be amended by striking out
5 all after the enacting clause and inserting in lieu thereof the following:

6 * * * Drones * * *

7 Sec. 2. 20 V.S.A. part 11 is added to read:

8 PART 11. DRONES

9 CHAPTER 205. DRONES

10 § 4621. DEFINITIONS

11 As used in this chapter:

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

14 (2) “Law enforcement agency” means:

15 (A) the Vermont State Police;

16 (B) a municipal police department;

17 (C) a sheriff’s department;

18 (D) the Office of the Attorney General;

19 (E) a State’s Attorney’s office;

20 (F) the Capitol Police Department;

21 (G) the Department of Liquor Control;

1 (H) the Department of Fish and Wildlife;

2 (I) the Department of Motor Vehicles;

3 (J) a State investigator; or

4 (K) a person or entity acting on behalf of an agency listed in this
5 subdivision (2).

6 § 4622. LAW ENFORCEMENT USE OF DRONES

7 (a)(1) Except as provided in subsection (b) of this section, a law
8 enforcement agency shall not use a drone or information acquired through the
9 use of a drone for the purpose of investigating, detecting, or prosecuting crime.

10 (2) A law enforcement agency shall not use an unmanned aerial vehicle a
11 drone to conduct surveillance/gather or retain data on a private citizens
12 peacefully exercising his or her their constitutional rights of free speech and
13 assembly.

14 (b) A law enforcement agency may use a drone and may disclose or receive
15 information acquired through the operation of a drone if the drone is operated
16 in compliance with all applicable Federal Aviation Administration
17 requirements and guidelines and:

18 (1) the drone is operated for a purpose other than the investigation,
19 detection, or prosecution of crime, including search and rescue operations and
20 aerial photography for the assessment of accidents, forest fires and other fire
21 scenes, flood stages, and storm damage; or

1 (2) the drone is operated pursuant to:

2 (A) a warrant obtained under Rule 41 of the Vermont Rules of
3 Criminal Procedure; or

4 (B) ~~an existing,~~ judicially recognized exception to the warrant
5 requirement; or

6 ~~(C) emergency circumstances under 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~~ every effort shall be made to operate the drone in a
9 manner to collect data only on the target of the surveillance and to avoid data
10 collection on any other person, home, or area.

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

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

14 ~~(B) shall be deleted as soon as possible and in no event later than~~
15 ~~24 hours after the data were collected.~~

16 ~~(2)(3)~~ Facial recognition or any other biometric matching technology
17 shall not be used on any data that a drone collects on any person, home, or area
18 other than the target of the surveillance.

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

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 cease immediately; and

11 (2) information or evidence gathered through use of the drone shall be
12 destroyed and is 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 § 4623. NONLAW ENFORCEMENT USE OF DRONES

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

20 (b) It is the intent of the General Assembly that any person who uses a
21 model aircraft as defined in the Federal Aviation Administration

1 Modernization and Reform Act of 2012 shall operate the aircraft according to
2 the guidelines of community-based organizations such as the Academy of
3 Model Aeronautics National Model Aircraft Safety Code.

4 § 4624. REPORTS

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

8 (1) The number of times the agency used a drone within the previous
9 12 months. For each use of a drone, the agency shall report the type of
10 incident involved, the nature of the information collected, and the rationale for
11 deployment of the drone.

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

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

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

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

5 Sec. 3. 13 V.S.A. § 4018 is added to read:

6 § 4018. DRONES

7 (a) No person shall equip a drone with a dangerous or deadly weapon or
8 fire a projectile from a drone. A person who violates this section shall be
9 imprisoned not more than one year or fined not more than \$1,000.00, or both.

10 (b) As used in this section:

11 (1) “Drone” shall have the same meaning as in 20 V.S.A. § 4621.

12 (2) “Dangerous or deadly weapon” shall have the same meaning as in
13 section 4016 of this title.

14 Sec. 4. REPORT; AGENCY OF TRANSPORTATION AVIATION
15 PROGRAM

16 On or before December 15, 2016, the Aviation Program within the Agency
17 of Transportation shall report to the Senate and House Committees on
18 Judiciary any recommendations or proposals it determines are necessary for
19 the regulation of drones pursuant to 20 V.S.A. § 4623.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE