

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 a drone to gather or retain
11 data on private citizens peacefully exercising their constitutional rights of free
12 speech and assembly.

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

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

21 (2) the drone is operated pursuant to:

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

3 (B) a judicially recognized exception to the warrant requirement.

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

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

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

13 § 4623. NONLAW ENFORCEMENT USE OF DRONES; FEDERAL
14 AVIATION ADMINISTRATION REQUIREMENTS

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

18 (b) It is the intent of the General Assembly that any person who uses a
19 model aircraft as defined in the Federal Aviation Administration
20 Modernization and Reform Act of 2012 shall operate the aircraft according to

1 the guidelines of community-based organizations such as the Academy of
2 Model Aeronautics National Model Aircraft Safety Code.

3 § 4624. REPORTS

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

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

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

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

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

20 (b) On or before December 1 of each year that information is collected
21 under subsection (a) of this section, the Department of Public Safety shall

1 report the information to the House and Senate Committees on Judiciary and
2 on Government Operations.

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

4 § 4018. DRONES

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

8 (b) As used in this section:

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

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

12 Sec. 4. REPORT; AGENCY OF TRANSPORTATION AVIATION
13 PROGRAM

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

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3 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE