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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1491

03/05/2015 Authored by Lesch, Scott, Lucero and Drazkowski

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; regulating the use of unmanned aerial vehicles by law
1.3 enforcement agencies; proposing coding for new law in Minnesota Statutes,
1.4 chapter 626.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

1.7 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
1.8 have the meanings given.

1.9 (b) "Adverse result" means:

1.10 (1) endangering the life or physical safety of an individual;

1.11 (2) flight from prosecution;

1.12 (3) destruction of or tampering with evidence;

1.13 (4) intimidation of potential witnesses; or

1.14 (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

1.15 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision
1.16 1.

1.17 (d) "Unmanned aerial vehicle" or "UAV" means an aircraft that is operated without
1.18 the possibility of direct human intervention from within or on the aircraft.

1.19 Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in
1.20 subdivision 3, a law enforcement agency may not operate a UAV without a search warrant
1.21 issued under this chapter.

1.22 Subd. 3. **Exceptions.** (a) A law enforcement agency may operate a UAV and
1.23 disclose information collected from the operation in an emergency situation that involves
1.24 an imminent threat to the life or safety of a person. A law enforcement agency that

2.1 deploys a UAV under this paragraph must document the factual basis for the emergency
2.2 on a form created for that purpose by the Bureau of Criminal Apprehension and submit a
2.3 sworn statement with the district court setting forth the grounds for the emergency use not
2.4 later than 48 hours after operation of the UAV commenced.

2.5 (b) A law enforcement agency may operate a UAV to collect information from a
2.6 public area if a court, upon motion, determines that there are specific and articulable facts
2.7 demonstrating reasonable suspicion of criminal activity, that the operation of the UAV
2.8 will uncover this activity, and that alternative methods of data collection are either cost
2.9 prohibitive or present a significant risk to any person's bodily safety. An order shall not
2.10 be issued for a period greater than 48 hours. Extensions of an order may be granted but
2.11 shall be no longer than the authorizing judge deems necessary to achieve the purposes for
2.12 which it was granted and in no event for longer than 30 days.

2.13 Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must
2.14 fully comply with all Federal Aviation Administration requirements and guidelines.

2.15 (b) Acquisition of UAVs must be approved by the governmental entity overseeing
2.16 the law enforcement agency.

2.17 (c) Unless specifically authorized in the warrant or order, a UAV shall be operated in
2.18 a manner to collect data only on a clearly and narrowly defined target and to avoid data
2.19 collection on individuals, homes, or areas other than the defined target.

2.20 (d) A law enforcement agency may not deploy facial recognition or other
2.21 biometric-matching technology via a UAV unless expressly authorized to do so through
2.22 a court order or warrant.

2.23 (e) UAVs may not be equipped with weapons.

2.24 Subd. 5. **Consensual disclosure of information.** A law enforcement agency may
2.25 disclose or receive information about any person acquired through the operation of a UAV
2.26 if the person has given written consent to the disclosure.

2.27 Subd. 6. **Data retention and classification.** (a) No data collected on an individual,
2.28 home, or area other than the subject identified in the warrant or order may be used, copied,
2.29 or disclosed for any purpose except as provided in subdivision 5. The data must be deleted
2.30 as soon as possible, and in no event later than 24 hours after collection.

2.31 (b) Data collected pursuant to this section is classified as criminal investigative
2.32 data under section 13.82, subdivision 7.

2.33 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency
2.34 in violation of this section is not admissible as evidence in a criminal prosecution in any
2.35 court of law in this state.

3.1 Subd. 8. **Notice.** (a) Notice must be given to the subject of a warrant or order
3.2 issued under this section.

3.3 (b) Unless delayed notice is ordered under paragraph (c), the law enforcement
3.4 agency shall provide notice to the subject within three days of completing surveillance
3.5 with a UAV. The notice must be made by service or delivered by registered or first class
3.6 mail, e-mail, or any other means reasonably calculated to be effective as specified by the
3.7 court issuing the warrant or order. The notice must contain the following information:

3.8 (1) the nature of the law enforcement inquiry, with reasonable specificity;
3.9 (2) the time period that the subject was under surveillance by a UAV; and
3.10 (3) whether the notification was delayed under paragraph (c) and, if so, the court that
3.11 granted the delay and the reasons for granting the delay.

3.12 (c) A law enforcement agency may include in the application for a warrant or order a
3.13 request for an order to delay the notification required under this subdivision for a period
3.14 not to exceed ten days. The court shall issue the order to delay notification if the court
3.15 determines that there is reason to believe that notification may have an adverse result.
3.16 Upon expiration of the period of delay granted under this paragraph and any extension
3.17 granted under paragraph (d), the law enforcement agency shall provide the subject a copy
3.18 of the warrant or order together with a notice under paragraph (b).

3.19 (d) The court, upon application, may grant one or more extensions of orders granted
3.20 under paragraph (c) for up to an additional ten days.

3.21 Subd. 9. **Remedies for violation.** An aggrieved party may initiate a civil action
3.22 against a law enforcement agency to obtain all appropriate relief to prevent or remedy a
3.23 violation of this section.

3.24 Subd. 10. **Reporting.** (a) By June 15 of each year, each law enforcement agency
3.25 that uses UAVs shall report to the chairs and ranking minority members of the senate and
3.26 house of representatives committees having jurisdiction over criminal justice and public
3.27 safety issues and make public on the law enforcement agency's Web site the following
3.28 information for the preceding calendar year:

3.29 (1) the number of times a UAV was used, organized by the types of incidents and
3.30 the types of justification for deployment;

3.31 (2) the number of criminal investigations aided by the use of UAVs, including a
3.32 description of how the UAV was helpful to each investigation;

3.33 (3) the number of uses of UAVs for reasons other than criminal investigations,
3.34 including a description of how the UAV was helpful in each instance;

3.35 (4) the frequency and type of data collected on individuals or areas other than
3.36 targets; and

4.1 (5) the total cost of the agency's UAV program.

4.2 (b) By January 15 of each year, any judge who has issued a warrant or order under
4.3 this section that expired during the preceding year, or who has denied approval during that
4.4 year, shall report to the state court administrator:

4.5 (1) the fact that a warrant, order, or extension was applied for;

4.6 (2) the kind of warrant, order, or extension applied for;

4.7 (3) the fact that the warrant, order, or extension was granted as applied for, was
4.8 modified, or was denied;

4.9 (4) the period of UAV use authorized by the warrant or order, and the number and
4.10 duration of any extensions of the warrant or order;

4.11 (5) the offense specified in the warrant, order, or application, or extension of a
4.12 warrant or order; and

4.13 (6) the identity of the law enforcement agency making the application and the
4.14 person authorizing the application.

4.15 (c) By June 15 of each year, the state court administrator shall transmit to the chairs
4.16 and ranking minority members of the senate and house of representatives committees
4.17 having jurisdiction over criminal justice and public safety issues and post on the Supreme
4.18 Court's Web site a full and complete report concerning the number of applications
4.19 for warrants or orders authorizing or approving operation of UAVs or disclosure of
4.20 information from the operation of UAVs under this section and the number of warrants,
4.21 orders, and extensions granted or denied under this section during the preceding calendar
4.22 year. The report must include a summary and analysis of the data required to be filed with
4.23 the state court administrator by paragraph (b).