

SC5562 –Regulating the use of unmanned aerial vehicles by law enforcement agencies

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Overview

SC5562 is a bill draft of Section 8 of SF 1263, 2nd Engrossment, passed by the Senate on May 17, 2019.

Summary

Subd. 1. Application; definition. Specifies that this section applies to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle (“UAV” or drone). Defines “law enforcement agency” and “UAV.”

Subd. 2. Use of unmanned aerial vehicles limited. Requires a law enforcement agency to obtain a search warrant for the use of a UAV unless an exception applies.

Subd. 3. Authorized use. Absent a warrant, a law enforcement agency may use a UAV: (1) during or after an emergency situation; (2) over a public event where there is substantial risk of the safety of participants or bystanders; (3) to counter a high-risk terrorist attack by a specific individual or organization; (4) to prevent the loss of life and property in natural or man-made disasters and to facilitate postrecovery efforts; (5) for officer training purposes; or (6) for a non-law-enforcement purpose at the request of a government entity.

Subd. 4. Limitations on use. Requires governing body approval prior to purchasing a UAV. Requires UAV data collection to be limited to a narrowly defined target. Prohibits the use of facial recognition or other biometric-matching technology unless expressly authorized by a court. Requires documentation regarding whether a UAV is used pursuant to a warrant or if a specific exception applies.

Subd. 5. Data classification; retention. Classifies UAV surveillance data as private or nonpublic data subject to certain limitations, including criminal investigative data. Requires deletion of data. Authorizes disclosure of data under limited circumstances.

Subd. 6. Evidence. Prohibits evidence collected in violation of this section from being admitted in criminal, civil, or administrative proceeding against a data subject.

Subd. 7. Remedies. Authorizes a civil cause of action for parties aggrieved by a violation of this section.

Subd. 8. Written policies required. Requires law enforcement agencies to create a written policy governing UAV use and make it available on their website.

Subd. 9. Notice; disclosure of warrant. Requires service of a warrant upon persons named in the warrant within 90 days of the court unsealing the warrant.

Subd. 10. Reporting. Requires reports from law enforcement agencies, the Commissioner of Public Safety, the judiciary, and the state court administrator.