

**Representative Scott D. Sandall** proposes the following substitute bill:

**GOVERNMENT USE OF UNMANNED AERIAL VEHICLES -  
AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill amends the provisions of Title 63G, Chapter 18, Government Use of Unmanned Aerial Vehicles Act.

**Highlighted Provisions:**

This bill:

- ▶ allows a law enforcement agency to use an unmanned aircraft system to collect certain types of data;
- ▶ institutes testing requirements for a law enforcement agency's use of an unmanned aircraft system;
- ▶ amends the reporting requirements for a law enforcement agency that operates an unmanned aircraft system; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**



26 AMENDS:

27 **63G-18-101**, as enacted by Laws of Utah 2014, Chapter 399

28 **63G-18-102**, as enacted by Laws of Utah 2014, Chapter 399

29 **63G-18-103**, as enacted by Laws of Utah 2014, Chapter 399

30 **63G-18-104**, as enacted by Laws of Utah 2014, Chapter 399

31 **63G-18-105**, as enacted by Laws of Utah 2014, Chapter 399



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **63G-18-101** is amended to read:

35 **CHAPTER 18. GOVERNMENT USE OF UNMANNED**  
36 **AIRCRAFT SYSTEMS ACT**

37 **63G-18-101. Title.**

38 This chapter is known as the "Government Use of Unmanned [~~Aerial Vehicles~~] Aircraft  
39 Systems Act."

40 Section 2. Section **63G-18-102** is amended to read:

41 **63G-18-102. Definitions.**

42 As used in this chapter:

43 (1) "Law enforcement agency" means an entity of the state or an entity of a political  
44 subdivision of the state, including an entity of a state institution of higher education, that exists  
45 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

46 (2) "Nongovernment actor" means a person that is not:

47 (a) an agency, department, division, or other entity within state government;

48 (b) a person employed by or otherwise acting in an official capacity on behalf of the  
49 state;

50 (c) a political subdivision of the state; or

51 (d) a person employed by or otherwise acting in an official capacity on behalf of a  
52 political subdivision of the state.

53 (3) "Target" means a person upon whom, or a structure or area upon which, a person:

54 (a) has intentionally collected or attempted to collect information through the operation  
55 of an unmanned [~~aerial vehicle~~] aircraft system; or

56 (b) plans to collect or attempt to collect information through the operation of an

57 unmanned ~~[aerial vehicle]~~ aircraft system.

58 (4) (a) "Unmanned ~~[aerial vehicle]~~ aircraft system" means an aircraft that:

59 (i) is capable of sustaining flight; and

60 (ii) operates with no possible direct human intervention from on or within the aircraft.

61 (b) "Unmanned ~~[aerial vehicle]~~ aircraft system" does not include an unmanned aircraft  
62 that is flown:

63 (i) within visual line of sight of the individual operating the aircraft; and

64 (ii) strictly for hobby or recreational purposes.

65 Section 3. Section **63G-18-103** is amended to read:

66 **63G-18-103. Unmanned aircraft system use requirements -- Exceptions --**

67 **Testing.**

68 (1) A law enforcement agency may not obtain, receive, or use data acquired through an  
69 unmanned ~~[aerial vehicle]~~ aircraft system unless the data is obtained:

70 (a) pursuant to a search warrant;

71 (b) in accordance with judicially recognized exceptions to warrant requirements; ~~[or]~~

72 (c) subject to Subsection (2), from a person who is a nongovernment actor~~[-];~~

73 (d) subject to judicially recognized search warrant requirements, to survey a traffic  
74 crash scene; or

75 (e) subject to Subsection (4), for training purposes or to locate a lost or missing person.

76 (2) A nongovernment actor may only disclose data acquired through an unmanned  
77 ~~[aerial vehicle]~~ aircraft system to a law enforcement agency if:

78 (a) the data appears to pertain to the commission of a crime; or

79 (b) the nongovernment actor believes, in good faith, that:

80 (i) the data pertains to an imminent or ongoing emergency involving danger of death or  
81 serious bodily injury to an individual; and

82 (ii) disclosing the data would assist in remedying the emergency.

83 (3) Before a law enforcement agency deploys a particular model of an unmanned  
84 aircraft system that the law enforcement agency has never operated, the law enforcement  
85 agency shall operate the unmanned aircraft system for at least 20 hours of testing.

86 (4) (a) A law enforcement agency that obtains, receives, or uses data acquired under  
87 Subsection (1)(e) shall destroy the data as soon as reasonably possible after the law

88 enforcement agency obtains, receives, or uses the data.

89 (b) Data obtained, received, or used under Subsection (1)(e) may not be used in any  
90 trial, hearing, or other adjudicative proceeding of the state or a political subdivision of the state.

91 Section 4. Section **63G-18-104** is amended to read:

92 **63G-18-104. Data retention.**

93 (1) Except as provided in this section, a law enforcement agency:

94 (a) may not use, copy, or disclose data collected by an unmanned [~~aerial vehicle~~]  
95 aircraft system on a person, structure, or area that is not a target; and

96 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as  
97 reasonably possible after the law enforcement agency collects or receives the data.

98 (2) A law enforcement agency is not required to comply with Subsection (1) if:

99 (a) deleting the data would also require the deletion of data that:

100 (i) relates to the target of the operation; and

101 (ii) is requisite for the success of the operation;

102 (b) the law enforcement agency receives the data:

103 (i) through a court order that:

104 (A) requires a person to release the data to the law enforcement agency; or

105 (B) prohibits the destruction of the data; or

106 (ii) from a person who is a nongovernment actor;

107 (c) (i) the data was collected inadvertently; and

108 (ii) the data appears to pertain to the commission of a crime;

109 (d) (i) the law enforcement agency reasonably determines that the data pertains to an  
110 emergency situation; and

111 (ii) using or disclosing the data would assist in remedying the emergency; or

112 (e) the data was collected through the operation of an unmanned [~~aerial vehicle~~]  
113 aircraft system over public lands outside of municipal boundaries.

114 Section 5. Section **63G-18-105** is amended to read:

115 **63G-18-105. Reporting.**

116 (1) [~~(a)~~] Except as provided by [~~Subsection (1)(b)~~] Subsections (2) and (3), before  
117 March 31 of each year, a law enforcement agency that operated an unmanned [~~aerial vehicle~~]  
118 aircraft system in the previous calendar year shall submit to the Utah Department of Public

119 Safety, and make public on the law enforcement agency's website, a written report containing:

120 ~~[(i)]~~ (a) the number of times the law enforcement agency operated an unmanned ~~[aerial~~  
121 ~~vehicle]~~ aircraft system pursuant to a warrant, or should have operated the unmanned aircraft  
122 system pursuant to a warrant, in the previous calendar year;

123 ~~[(ii)]~~ (b) the number of criminal investigations aided by the use of an unmanned ~~[aerial~~  
124 ~~vehicle]~~ aircraft system operated by the law enforcement agency in the previous calendar year;

125 ~~[(iii)]~~ (c) a description of how the unmanned ~~[aerial vehicle]~~ aircraft system was  
126 helpful to each investigation described in Subsection (1)~~[(a)(ii)]~~(b);

127 ~~[(iv)]~~ (d) the frequency with which data was collected, and the type of data collected,  
128 by an unmanned ~~[aerial vehicle]~~ aircraft system operated by the law enforcement agency on any  
129 person, structure, or area other than a target in the previous calendar year;

130 ~~[(v)]~~ (e) the number of times a law enforcement agency received, from a person who is  
131 not a law enforcement agency, data collected by an unmanned ~~[aerial vehicle]~~ aircraft system;  
132 and

133 ~~[(vi)]~~ (f) the total cost of the unmanned ~~[aerial vehicle]~~ aircraft system program  
134 operated by the law enforcement agency in the previous calendar year~~[-]~~, including the source  
135 of any funds used to operate the program.

136 ~~[(b)(i)]~~ (2) (a) A law enforcement agency that submits a report described in Subsection  
137 (1)~~[(a)]~~ may exclude from the report information pertaining to an ongoing investigation.

138 ~~[(i)]~~ (b) A law enforcement agency that excludes information under Subsection  
139 ~~[(1)(b)(i)]~~ (2)(a) from the report shall report the excluded information to the Utah Department  
140 of Public Safety on the annual report in the year following the year in which the ~~[information~~  
141 ~~was excluded]~~ investigation to which the information pertains is concluded.

142 (3) Notwithstanding Subsection (2)(b), a law enforcement agency is not required to  
143 submit a report under Subsection (1) if the law enforcement agency has not collected or  
144 received data that is required to be reported under Subsection (1)(a), (b), (c), (d), or (e).

145 ~~[(2)]~~ (4) Before May 31 of each year, the Utah Department of Public Safety shall, for  
146 all reports received under Subsection (1) during the previous calendar year:

147 (a) transmit to the Government Operations Interim Committee and post on the  
148 department's website a report containing:

149 (i) a summary of the information reported to the department;

150 (ii) the total number of issued warrants authorizing the operation of an unmanned  
151 ~~[aerial vehicle]~~ aircraft system; and

152 (iii) the number of denied warrants for the operation of an unmanned ~~[aerial vehicle]~~  
153 aircraft system; and

154 (b) post on the department's website each report the department received.

155 Section 6. **Effective date.**

156 If approved by two-thirds of all the members elected to each house, this bill takes effect  
157 upon approval by the governor, or the day following the constitutional time limit of Utah  
158 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
159 the date of veto override.