

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 685

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02/09/2015	244	Introduction and first reading Referred to Judiciary
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A bill for an act  
relating to public safety; regulating the use of unmanned aerial vehicles by law  
enforcement; proposing coding for new law in Minnesota Statutes, chapter 626.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this  
subdivision have the meanings given them.

(b) "Adverse result" means:

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

(2) flight from prosecution;

(3) destruction of or tampering with evidence;

(4) intimidation of potential witnesses; or

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

(c) "Governmental entity" means any entity of the state executive, legislative,  
or judicial branches; the University of Minnesota; the Minnesota State Colleges and  
Universities; and local entities, including, but not limited to, a county; home rule, charter,  
or statutory city; town; school district; metropolitan or regional agency; public corporation;  
political subdivision; or special district as defined in section 6.465, subdivision 3.

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

Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in  
subdivision 3, a governmental entity may not operate an unmanned aerial vehicle without  
a search warrant issued pursuant to this chapter.

2.1 Subd. 3. **Exceptions.** (a) A governmental entity may operate an unmanned aerial  
2.2 vehicle and disclose information collected from that operation in an emergency situation  
2.3 that involves an imminent threat to the life or safety of a person. A governmental entity  
2.4 that deploys a UAV pursuant to this paragraph must document the factual basis for the  
2.5 emergency on a form created for that purpose by the Bureau of Criminal Apprehension and  
2.6 submit a sworn statement with the district court setting forth the grounds for the emergency  
2.7 use not later than 48 hours after operation of an unmanned aerial vehicle commenced.

2.8 (b) A governmental entity may operate an unmanned aerial vehicle to collect  
2.9 information from a public area if a court, upon motion, determines that there are specific  
2.10 and articulable facts demonstrating reasonable suspicion of criminal activity, that the  
2.11 operation of the public unmanned aircraft system will uncover such activity, and that  
2.12 alternative methods of data collection are either cost-prohibitive or present a significant  
2.13 risk to any person's bodily safety. A court order under this paragraph shall not be issued  
2.14 for a period greater than 48 hours. Extensions of an order may be granted but shall be no  
2.15 longer than the authorizing judge deems necessary to achieve the purposes for which it  
2.16 was granted and in no event for longer than 30 days.

2.17 Subd. 4. **Limitations on use.** (a) A governmental entity operating a UAV must fully  
2.18 comply with all Federal Aviation Administration requirements and guidelines.

2.19 (b) Acquisition of unmanned aerial vehicles must be approved by the governmental  
2.20 entity's legislative body.

2.21 (c) A UAV shall be operated in a manner to collect data only on a clearly and  
2.22 narrowly defined target and to avoid data collection on individuals, homes, or areas other  
2.23 than the defined target.

2.24 (d) A governmental entity may not deploy facial recognition or other biometric  
2.25 matching technology via a UAV unless expressly authorized to do so through a court order.

2.26 (e) Unmanned aerial vehicles may not be equipped with weapons.

2.27 Subd. 5. **Consensual disclosure of information.** A governmental entity may  
2.28 disclose or receive information about any person acquired through the operation of an  
2.29 unmanned aerial vehicle if the person has given written consent to such disclosure.

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

2.34 (b) Data collected pursuant to this section shall be classified as criminal investigative  
2.35 data under section 13.82, subdivision 7.

3.1 Subd. 7. **Evidence.** Information obtained or collected by a governmental entity in  
3.2 violation of this section is not admissible as evidence in a criminal prosecution in any  
3.3 court of law in this state.

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

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

3.11 (1) the nature of the law enforcement inquiry, with reasonable specificity;

3.12 (2) the time period that the subject was under surveillance by a UAV; and

3.13 (3) whether the notification was delayed pursuant to paragraph (c) and, if so, the  
3.14 court that granted the delay and the reasons for granting the delay.

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

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

3.24 Subd. 9. **Remedies for violation.** An aggrieved party may initiate a civil action  
3.25 against a governmental entity to obtain all appropriate relief in order to prevent or remedy  
3.26 a violation of this section.

3.27 Subd. 10. **Reporting.** (a) In June of each year, each governmental entity that uses  
3.28 unmanned aerial vehicles shall report to the legislature and make public on its Web site:

3.29 (1) the number of times an unmanned aerial vehicle was used, organized by the types  
3.30 of incidents and the types of justification for deployment;

3.31 (2) the number of criminal investigations aided by the use of unmanned aerial  
3.32 vehicles, including a description of how the unmanned aerial vehicle was helpful to each  
3.33 investigation;

3.34 (3) the number of uses of unmanned aerial vehicles for reasons other than criminal  
3.35 investigations, including a description of how the unmanned aerial vehicle was helpful in  
3.36 each instance;

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

4.3 (5) the total cost of the entity's unmanned aerial vehicle program.

4.4 (b) In January of each year, any judge who has issued a warrant or order under this  
4.5 section that expired during the preceding year, or who has denied approval during that  
4.6 year, shall report to the State Court Administrator:

4.7 (1) the fact that an order or extension was applied for;

4.8 (2) the kind of order or extension applied for;

4.9 (3) the fact that the order or extension was granted as applied for, was modified,  
4.10 or was denied;

4.11 (4) the period of unmanned aerial vehicle use authorized by the order, and the  
4.12 number and duration of any extensions of the order;

4.13 (5) the offense specified in the order or application, or extension of an order; and

4.14 (6) the identity of the applying governmental entity making the application and the  
4.15 person authorizing the application.

4.16 (c) In June of each year, the State Court Administrator shall transmit to the  
4.17 legislature and post on the Supreme Court's Web site a full and complete report concerning  
4.18 the number of applications for orders authorizing or approving operation of unmanned  
4.19 aerial vehicles or disclosure of information from the operation of unmanned aerial vehicles  
4.20 pursuant to this section and the number of orders and extensions granted or denied pursuant  
4.21 to this section during the preceding calendar year. The report shall include a summary and  
4.22 analysis of the data required to be filed with the State Court Administrator by paragraph (b).