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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1076

03/04/2013 Authored by Franson, Drazkowski and Wills

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

1.1 A bill for an act
1.2 relating to public safety; prohibiting a law enforcement agency from using drones
1.3 to gather evidence or other information; prohibiting use of drone by persons;
1.4 providing criminal penalties; proposing coding for new law in Minnesota
1.5 Statutes, chapters 624; 634.

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

1.7 Section 1. [624.75] PRIVATE USE OF DRONE.

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

1.10 (b) "Dangerous weapon" has the meaning given in section 609.02, subdivision 6.

1.11 (c) "Drone" has the meaning given in section 634.40, subdivision 2, paragraph (b).

1.12 (d) "Person" means an individual, partnership, corporation, association, or other
1.13 legal entity but does not include the state or a political subdivision.

1.14 Subd. 2. Prohibited use of drone. A person is guilty of a felony if the person
1.15 uses a drone to capture images of an individual on public or private property without the
1.16 permission of the individual and the owner of the private property or appropriate public
1.17 authority.

1.18 Sec. 2. [634.40] SEARCH AND SEIZURE; AGENCY USE OF DRONE.

1.19 Subdivision 1. Definitions. (a) As used in this section, the terms in this subdivision
1.20 have the meanings given them.

1.21 (b) "Drone" means a powered, aerial vehicle that:

1.22 (1) does not carry a human operator;

1.23 (2) uses aerodynamic forces to provide vehicle lift;

1.24 (3) can fly autonomously or be piloted remotely;

2.1 (4) can be expendable or recoverable; and

2.2 (5) can carry a lethal or nonlethal payload.

2.3 (c) "First responder" means an individual who is certified by the Emergency Medical
2.4 Services Regulatory Board to perform basic emergency skills before the arrival of a
2.5 licensed ambulance service and who is a member of an organized service recognized by a
2.6 local political subdivision to respond to medical emergencies to provide initial medical
2.7 care before the arrival of an ambulance.

2.8 (d) "Law enforcement agency" means a lawfully established state or local public
2.9 agency that is responsible for the prevention and detection of crime and the enforcement
2.10 of penal, traffic, regulatory, game, or controlled substance laws.

2.11 Subd. 2. **Prohibited use of drone.** A law enforcement agency may not use a drone
2.12 to gather evidence or other information in an investigation.

2.13 Subd. 3. **Exceptions.** This section does not prohibit the use of a drone:

2.14 (1) to counter a high risk of a terrorist attack by a specific individual or organization
2.15 if the United States Secretary of Homeland Security determines that credible intelligence
2.16 indicates that there is a risk;

2.17 (2) if the law enforcement agency first obtains a search warrant authorizing the
2.18 use of a drone;

2.19 (3) if the law enforcement agency possesses a reasonable suspicion that under
2.20 particular circumstances, swift action is needed to prevent imminent danger to life or
2.21 serious damage to property, or to forestall the imminent escape of a suspect or the
2.22 destruction of evidence; or

2.23 (4) by a first responder in an emergency situation.

2.24 Subd. 4. **Remedies for violation.** An aggrieved party may initiate a civil action
2.25 against a law enforcement agency to obtain all appropriate relief in order to prevent or
2.26 remedy a violation of this section.

2.27 Subd. 5. **Prohibition on use of evidence.** Evidence obtained or collected by a law
2.28 enforcement agency in violation of this section is not admissible as evidence in a criminal
2.29 prosecution in any court of law in this state.

2.30 **EFFECTIVE DATE.** This section is effective July 1, 2013.