

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1506

(SENATE AUTHORS: NIENOW, Osmek and Kiffmeyer)

DATE	D-PG	OFFICIAL STATUS
03/21/2013	1413	Introduction and first reading Referred to Judiciary
04/02/2013	1672	Author stricken Torres Ray
04/04/2013	1679	Author added Kiffmeyer

A bill for an act
relating to public safety; prohibiting a law enforcement agency from using drones
to gather evidence or other information; prohibiting use of drones by persons;
prohibiting the use of drones by a federal agency within the boundaries of the
state; proposing coding for new law in Minnesota Statutes, chapters 624; 634.

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

Section 1. **LEGISLATIVE PURPOSE.**

The legislature finds that:

(1) the right to privacy is among the most sacred and inalienable rights of an individual and is a principle implicit in the concept of a free and just society;

(2) in February 2012, Public Law 112-95, the FAA Modernization and Reform Act of 2012 which mandates that the Federal Aviation Administration administer a program that integrates the use of unmanned aircraft systems, often referred to as drones, into the national airspace system, was signed into law; and

(3) although the use of drones may serve as a vital tool in the areas of crime and terrorism prevention, it is necessary that the government's use of this technology be counterbalanced by the societal interest of preserving each individual's constitutional right to privacy.

Therefore, it is the purpose of this act to protect personal privacy and to authorize the use of drones only in instances of exigent circumstances or when law enforcement officials have obtained a court order.

Sec. 2. **[624.75] PRIVATE USE OF DRONES.**

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

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

(c) "Drone" has the meaning given in section 634.40, subdivision 1, paragraph (b).

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

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

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to offenses committed on or after that date.

Sec. 3. [634.40] SEARCH AND SEIZURE; AGENCY USE OF DRONES.

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

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

(1) does not carry a human operator;

(2) uses aerodynamic forces to provide vehicle lift;

(3) can fly autonomously or be piloted remotely;

(4) can be expendable or recoverable; and

(5) can carry a lethal or nonlethal payload.

(c) "Federal agency" has the meaning given in section 469.110, subdivision 8.

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

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

Subd. 2. **Prohibition on use of drone by state agency.** A law enforcement agency may not use a drone to gather evidence or other information in an investigation.

Subd. 3. **Prohibition on use of drone by federal agency.** A federal agency may not use a drone within the borders of the state of Minnesota.

Subd. 4. **Exceptions.** This section does not prohibit the use of a drone:

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

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

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

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

3.11 Subd. 5. **Remedies for violation.** An aggrieved party may initiate a civil action
3.12 against a law enforcement agency to obtain all appropriate relief in order to prevent or
3.13 remedy a violation of this section.

3.14 Subd. 6. **Prohibition on use of evidence.** Evidence obtained or collected by a law
3.15 enforcement agency in violation of this section is not admissible as evidence in a criminal
3.16 prosecution in any court of law in this state.

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