

**UNMANNED AERIAL SYSTEMS' LEGISLATION:
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STATE	BILL #	STATUS OF BILL	LAW ENFORCEMENT RESTRICTIONS
Florida	FSA 934.50	Legislation effective as of July 1, 2013	Law enforcement can only use drones when (1) combating an eminent threat of terrorism; (2) pursuant to a SW; (3) preventing imminent or severe bodily harm.
Idaho	I.C. 21-213	Legislation effective as of July 1, 2013.	Requires SW, except for emergency response for safety, search and rescue, or controlled substance investigations.
Illinois	725 Ill. Comp. Stat. 167/1 et seq.	Legislation effective as of January 1, 2014.	Requires warrant except to prevent terrorist attack, pursuant to SW, prevent death or severe bodily harm, prevent escape or a suspect, or to protect evidence. Must destroy all information gathered within 30 days unless there is a pending investigation or trial. Must make an annual report on drone usage.
Indiana	IC 35-33-5-9	Legislation effective as of July 1, 2014.	Law enforcement must obtain search warrant except in cases of: (1) exigent circumstances; (2) where there is a substantial likelihood of terrorist attack; (3) when conducting search and rescues; (4) where mitigating or responding to natural disasters; or (5) for surveys not used for criminal justice purposes.
Iowa	Iowa Code §808.15	Legislation effective as of July 1, 2014.	Information obtained by use of drone is inadmissible unless secured with use of warrant or otherwise obtained in a manner that is consistent with state and federal law. Drones may not be used for traffic law enforcement.
Montana	Mont. Code. Ann. § 46-5-109	Legislation effective as of October 1, 2013	Requires warrant or any judicially recognized exception. Cannot use information gathered via drone in an application or affidavit for a warrant

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Oregon	Or. Rev. Stat. § 837.300 et seq	Legislation effective as of June 29, 2013	Requires warrant unless there is a reasonable belief that there is a threat of bodily harm or death and an affidavit is filed within 48 hours, to reconstruct a crime scene, for search and rescue operations, or during a declared state of emergency for public safety purposes only. Drones may not be weaponized.
Tennessee	Tenn. Code Ann. §39-13-609	Legislation effective as of 01 July 2013; 2014 legislation enacted, goes into effect July 1, 2014	Requires warrant or used to combat terrorist threat, there is reasonable suspicion that there is an imminent threat to life, to prevent escape of suspect, or to search for a missing person. Specifically designates drone use as a search and the search shall comply with the federal and TN Constitutions. However, only exceptions to the warrant requirement listed in this statute apply
Texas	Tex. Gov't Code §423 et. Seq.	Legislation effective as of Sept. 1, 2013	Requires warrant or pursuit of a suspect, documentation of a crime scene, when searching for a missing person, in a tactical situation where there is a threat to human life, or where a property owner consents to law enforcement. The Department of Public Safety shall adopt rules and guidelines for use of an unmanned aircraft by a law enforcement authority in this state. Must make a report of drone usage in January of every odd numbered year.
Utah	Utah Code Ann. 63G-18-101, et seq. (63G-18-103)	Legislation effective as of May 13, 2014.	Requires warrant, judicially recognized exception to warrant requirement, or use by nongovernmental actor acting in good faith and where data pertains to imminent or ongoing emergency involving danger of death or serious bodily harm.
Virginia	HB 2012 Chapter 755	Legislation effective as of July 1, 2013; 2014 bill introduced – legislature adjourned without further action	Prohibits usage of drone prior to July 1, 2013 except for amber alerts, search and rescue, training, and National Guard use. Places a moratorium on the use of unmanned aircraft systems by state and local law enforcement and regulatory entities until July 1, 2015, except in defined emergency situations or training exercises related to those situations.

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Wisconsin	Amending Wisc. Code 114.04; and creating 175.55, 941.292, and 942.10	Legislation effective as of April 9, 2014.	Law Enforcement agents must obtain a warrant in order to use drone except when used to assist search and rescue operations, location of escaped prisoners, or where there is imminent danger to an individual or of destruction of property. No law enforcement agency may use a drone to gather evidence or information in a criminal investigation form or at a place or location where an individual has a reasonable expectation of privacy without first obtaining a search warrant.
Alaska	CHAPTER 105 SLA 14: Art. 13, section 18.65.900 et seq.	Legislation effective as of October 26, 2014.	Law enforcement may use UAS pursuant to a search warrant, pursuant to judicially recognized exceptions to the warrant requirement and in situations not involving a criminal investigation. Images captured with UAS may be retained by police under the law for training purposes or if it is required as part of an investigation or prosecution.
California	Chapter 858; Section 1708.8	Chaptured on August 30, 2014	Amends existing privacy laws to prohibit anybody from using a drone to take pictures of a person “under circumstances in which they had a reasonable expectation of privacy” and where said picture could not have been taken without trespassing if the drone hadn’t been used. “A person is liable for constructive invasion of privacy when the defendant attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy, through the use of any device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the device was used.” No mention of “warrant” requirements.
Connecticut	SB 974 (current 2015 session)	Status: Heard – 2/25, Reported Out of Legislative Commissioner’s Office – 3/20	“Law enforcement officer shall not operate an unmanned aerial vehicle in a manner to collect information about an individual or privately owned property unless (1) the individual or the owner of the property has given advance written consent to such operation, (2) a judge of the Superior Court or judge trial referee has issued a warrant in accordance with section 54-33a of the general statutes, or (3) there is a reasonable and articulable suspicion

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			that an offense has been or is being committed by such individual or on such property and the operation of the unmanned aerial vehicle is limited to a total of twenty-four hours within a thirty-day period.”
Georgia	(1) HB 5 (2) HB 44 (3) HB 157 (Current 2015 session)	(1) Status: HC Jud. (2) Status: HC Public Safety and Homeland Security (3) Status: HC Jud.	(1) “It shall be lawful to capture an image using an unmanned aircraft in this state... pursuant to a valid search or arrest warrant;” “If the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:” in immediate pursuit of person; for purposes of investigating car accidents; for purposes of searching for missing persons. “It shall be illegal for a person to use an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on such individual or property” (2) Stating definitions (3) “No aircraft, whether manned or unmanned, shall be operated in the airspace above private property extending from the surface up to a distance of 100 feet above the surface for the purpose of searching or engaging in surveillance without a search warrant or permission of the property owner, and any evidence obtained by an aircraft flying within such protected zone without a search warrant or permission of the owner of the property shall be inadmissible in the courts of this state.”
Hawaii	SB 1329 (Current 2015 session)	Status: TRA/JDL, WAM	An act relating to searches and seizures; creating the “Freedom from Unwarranted Surveillance Act”; defining the terms “unmanned aircraft system” and “law enforcement agency”; prohibiting a law enforcement agency, person, entity, state or local public agency from using an unmanned aircraft system to gather evidence or other information; providing exceptions (warrant, consent, preventing harm, search and rescue, etc); authorizing an aggrieved party to initiate a civil action in order to prevent or remedy a violation of the act; prohibiting a law enforcement agency from using in any court of law in this state evidence obtained or collected in violation of the act; providing an effective date.

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Kansas	HB 2397 (Current 2015 session)	Status: Committee on Federal and State Affairs	“It shall be lawful for agency of gov entity to... operate an unmanned aerial vehicle and disclose information gathered from such operation to collect information from a public area pursuant to a warrant issued pursuant to K.S.A. 22-2502 et seq., and amendments thereto, or pursuant to an order issued by a court of competent jurisdiction if such agency of a governmental entity offers specific and articulable facts demonstrating reasonable suspicion of criminal activity and that operation of an unmanned aerial vehicle will uncover such activity...”
Kentucky	HB 12 (Current 2015 Session)	Status: Judiciary	No law enforcement agency, or agent thereof, shall use a drone to gather evidence or other information, or utilize, disclose, or receive information acquired in violation of this section unless: (a) The law enforcement agency first obtained a search warrant signed by a judge authorizing the limited use of a drone, and the drone is used only to obtain evidence concerning the particular person or location named in the warrant. If an emergency situation exists, an application for a search warrant approving such operation may be made within forty-eight (48) hours after the operation begins... No part of any information and no evidence derived from the operation is used by the Commonwealth in any trial, hearing, or other proceeding in or before any court, grand jury, or for any intelligence purpose.
New York	AB 1247 SB 411 (Current 2015 Session) [same language]	Status: Referred to Governmental Operations (AB) Status: referred to codes (SB)	No law enforcement agency or a state, county or municipal agency shall use a drone or other unmanned aircraft to gather, store or collect evidence of any type, including audio or video recordings, or both, or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent specifically authorized in a valid search warrant; provided, however, that the use of a drone by a law enforcement agency or a state, county or municipal agency is not prohibited when exigent circumstances exist. For the purposes of this section, exigent circumstances exist if a law enforcement agency possesses reasonable suspicion that swift action is necessary to prevent imminent danger to life. 2. No person, entity, or state agency shall use a drone or other unmanned

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			aircraft to conduct surveillance of or to monitor any individual inside his or her home or place of worship or within the closed confines of their property or other locations where a person would have an expectation of privacy.
Pennsylvania	HB 409 (Current 2015 session)	Status: Judiciary	An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, providing for unmanned aircraft surveillance. Not specific to search and seizure per se.
South Carolina	HB 3510 (current 2015 session)	Status: Judiciary	“A public unmanned aircraft system may be operated and personal information from the operation disclosed in order to collect personal information only pursuant to a criminal warrant issued by a court of competent jurisdiction or as otherwise provided in this section.” Exceptions to warrants also apply.
Vermont	SB 18 HB 302 (similar) (current 2015 session)	Status: Judiciary, favorable report with recommendation of amendment Status: Gov. Operations	The bill proposes to establish regulations for the use of drones, also known as unmanned aerial vehicles. The bill proposes to permit a law enforcement agency to use a drone only if the agency obtains a warrant or if emergency circumstances exist. This bill proposes to establish regulations for the use of drones, also known as unmanned aerial vehicles. The bill proposes to permit a law enforcement agency to use a drone only if the agency obtains a warrant or if emergency circumstances exist.
New Hampshire	HB 240 (current 2015 session)	Status: Retained in committee	Except as provided in this chapter, no law enforcement agency shall use a drone for the purpose of obtaining evidence. No evidence obtained in violation of this chapter shall be admissible in a criminal prosecution in any court in this state. Nothing in this chapter shall prohibit the use of a drone: I. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.

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			<p>II. If the law enforcement agency first obtains a search warrant signed by a judge authorizing the use of a drone.</p> <p>III. If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.</p>
Rhode Island	H5454 S0179 (same) (Current 2015 session)	Status: Judiciary Status: Scheduled for hearing – 3/20/15	A law enforcement agent of the state of Rhode Island or its municipalities shall first obtain a warrant prior to utilizing a UAV for any purpose whatsoever, including but not limited to, the monitoring, recording or otherwise observing persons, places or things, and also including the interception of wire, electronic or oral communications, within the airspace of the state of Rhode Island.
Arkansas	HB 1349 (2015 session)	Status: Enrolled as Act 293 Approved 2/27/15	This focuses on invasion of privacy. No SW statements.
Maryland	HB 620 (Current 2015 session)	Status: Judiciary, Unfavorable Report – 3/20/15	A person may not use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted individuals or private property. (c) This section does not prohibit the use of an unmanned aircraft system: (1) in accordance with a valid search warrant; (2) in connection with an emergency response for safety, search and rescue, or controlled dangerous substance investigation; (3) with the written consent of the individual being observed; or (4) by an owner of a facility located on property owned by another person under an easement, permit, license, or other right of occupancy using an unmanned aircraft system to inspect the facility.

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Minnesota	SF 685 [companion is HF 1197] (current 2015 session)	Status: Referred to Judiciary [685] Status: Referred to Public Safety and Crime Prevention Policy and Finance [HF 1197]	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. Subd. 3. Exceptions. (a) A governmental entity may operate an unmanned aerial vehicle and disclose information collected from that operation in an emergency situation that involves an imminent threat to the life or safety of a person. A governmental entity that deploys a UAV pursuant to this paragraph must document the factual basis for the emergency on a form created for that purpose by the Bureau of Criminal Apprehension and submit a sworn statement with the district court setting forth the grounds for the emergency use not later than 48 hours after operation of an unmanned aerial vehicle commenced. (b) A governmental entity may operate an unmanned aerial vehicle to collect information from a public area if a court, upon motion, determines that there are specific and articulable facts demonstrating reasonable suspicion of criminal activity, that the operation of the public unmanned aircraft system will uncover such activity, and that alternative methods of data collection are either cost-prohibitive or present a significant risk to any person's bodily safety. A court order under this paragraph shall not be issued for a period greater than 48 hours. Extensions of an order may be granted but shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days.
Maine	HB 25 (current 2015 session)	Status: Engrossed – referred to Jud.	It prohibits a law enforcement agency from operating an unmanned aerial vehicle or collecting, disclosing or receiving information acquired through the operation of an unmanned aerial vehicle except pursuant to an emergency enforcement or administrative investigation exception, with the written consent of the person or property owner, pursuant to a warrant or pursuant to a court order.

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New Mexico	SB 303 (Current 2015 session)	Status: Judiciary, Passed Senate 3/18/15	A person, state agency, law enforcement agency or political subdivision of the state shall not use a drone or unmanned aircraft to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant. The Freedom from Unwarranted Surveillance Act does not prohibit the use of a drone by a law enforcement agency when exigent circumstances exist. For the purposes of this section, exigent circumstances exist if a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is necessary to prevent imminent danger to life.
North Dakota	HB 1328 (current 2015 session)	Status: Judiciary, Passed House – 2/23, Senate Committee Hearing – 3/23/15	Information obtained from an unmanned aerial vehicle is not admissible in a prosecution or proceeding within the state unless the information was obtained: a. Pursuant to the authority of a search warrant; or b. In accordance with exceptions to the warrant requirement. 2. Information obtained from the operation of an unmanned aerial vehicle may not be used in an affidavit of probable cause in an effort to obtain a search warrant. Search warrants expectations apply.
Washington	HB 1093 (current 2015 session)	Status: Tech. and Economic Dev. Comm., Passed House 3/4/15, Senate Hearing 3/23/15	This focuses on the privacy aspect. No SW. “The legislature intends to protect personal privacy by prohibiting the use of unmanned aircraft equipped with sensing devices that collect personal information, including images of individuals on private property that could not have been captured without the assistance of the unmanned aircraft.”
Colorado	HB 15-1115 SB 15-059 [postponed indef.]	Status: Judiciary Status: Judiciary [postponed indef.]	A person commits the crime of first degree criminal trespass if he or she is not a peace officer or other agent of a state or local government agency acting in his or her official capacity and he or she knowingly and intentionally uses an unmanned aerial vehicle (UAV) to observe, record, transmit, or capture images of another person when the other person has a reasonable expectation of privacy. A person commits harassment if he or she is not a peace officer or other agent of a state or local government agency acting in his or her official capacity and, with intent to harass, annoy, or alarm another person, he or she uses a UAV to track a person's

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			<p>movements in or about a public place without the person's authorization. The bill amends existing law concerning the retention of passive surveillance records by government agencies to contemplate the retention of records that are obtained through the use of UAVs.</p>
Oklahoma	<p>HB 1295 (current 2015 session)</p>	<p>Status: Referred Public Safety</p>	<p>Except as provided in the Oklahoma Unmanned Aerial Surveillance Act, it is unlawful for an agent of the state or any political subdivision of the state to operate an unmanned aerial vehicle or to disclose or receive information acquired through the operation of an unmanned aerial vehicle. Exceptions: (1) Consent, (2) Exigent Circumstances, (3) Warrant or Order, (4) Emergency Situations.</p>