



General Assembly

January Session, 2019

Raised Bill No. 870

LCO No. 4194



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING THE USE OF DRONES BY LAW ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) For the purposes of
2 this section:

3 (1) "Law enforcement officer" means (A) a special policeman
4 appointed under section 29-18 of the general statutes, or (B) an officer,
5 employee or agent of (i) the Division of State Police within the
6 Department of Emergency Services and Public Protection, (ii) a special
7 police force established pursuant to section 10a-156b of the general
8 statutes, or (iii) a municipal police department;

9 (2) "Law enforcement agency" means the special policeman
10 appointed under section 29-18 of the general statutes, the Division of
11 State Police within the Department of Emergency Services and Public
12 Protection, the special police forces established pursuant to section
13 10a-156b of the general statutes or any municipal police department;
14 and

15 (3) "Unmanned aerial vehicle" means any contrivance used or
16 designed for navigation of or flight in air that is power-driven and
17 operated without the possibility of direct human intervention from
18 within or on the contrivance.

19 (b) (1) No law enforcement officer shall operate an unmanned aerial
20 vehicle, except under one or more of the following circumstances:

21 (A) A judge of the Superior Court or judge trial referee has issued a
22 warrant in accordance with section 54-33a of the general statutes
23 authorizing the use of an unmanned aerial vehicle;

24 (B) The individual who will be the subject of the information
25 collected by the operation of an unmanned aerial vehicle has given
26 advance written consent to such operation;

27 (C) The owner of the property that will be the subject of the
28 information collected by the operation of an unmanned aerial vehicle
29 has given advance written consent to such operation;

30 (D) The law enforcement officer has probable cause to believe that a
31 criminal offense has been, is being or will be committed and exigent
32 circumstances exist that make it unreasonable for the law enforcement
33 officer to obtain a warrant authorizing the use of an unmanned aerial
34 vehicle;

35 (E) The operation is pursuant to training activities conducted by the
36 law enforcement officer while on property owned or leased by the
37 United States, this state or a municipality and does not occur in an area
38 that is substantially populated; or

39 (F) The operation is used to reconstruct or document a specific crime
40 or accident scene.

41 (2) The provisions of this subsection do not apply to (A) any
42 property owned or leased by the federal or state or a municipal
43 government, including, but not limited to, a public park, sidewalk or
44 street, or (B) an individual on such property described in

45 subparagraph (A) of this subdivision.

46 (c) An individual or privately owned property shall be considered
47 to be the subject of information collected by the operation of an
48 unmanned aerial vehicle if the information allows the identity of the
49 individual or the privately owned property to be ascertained or if the
50 law enforcement officer operating the unmanned aerial vehicle
51 acknowledges that such individual or such property was the subject of
52 the information.

53 (d) Information that was collected through the operation of an
54 unmanned aerial vehicle that concerns an individual or privately
55 owned property that was the subject of a warrant may be retained
56 pursuant to the warrant.

57 (e) Information that was collected through the operation of an
58 unmanned aerial vehicle pursuant to advance written consent under
59 subparagraph (B) or (C) of subdivision (1) of subsection (b) of this
60 section may be retained pursuant to the terms specified in such
61 advance written consent.

62 (f) (1) Information that was collected through the operation of an
63 unmanned aerial vehicle pursuant to subparagraph (D), (E) or (F) of
64 subdivision (1) of subsection (b) of this section that concerns an
65 individual or privately owned property shall be reviewed by the law
66 enforcement agency that collected the information not later than ninety
67 days from the date of collection. The collected information shall be
68 destroyed or modified pursuant to subdivision (2) of this subsection or
69 retained pursuant to subdivision (3) of this subsection.

70 (2) If such information allows the identity of an individual or
71 privately owned property to be ascertained and there is no probable
72 cause to believe that an offense was committed by the individual or on
73 the property, such law enforcement agency (A) shall destroy such
74 information not later than forty-eight hours after such review, or (B)
75 shall permanently modify such information so that the identity of such
76 individual or such property cannot be ascertained, and, after such

77 modification, may retain the modified information for a period of not
78 more than five years from the date of collection and, after such
79 retention, shall destroy the modified information.

80 (3) If such information allows the identity of an individual or
81 privately owned property to be ascertained and there is probable cause
82 to believe that an offense was committed by the individual or on the
83 property, such law enforcement agency may retain such information
84 for a period of not more than five years from the date of collection and,
85 after such retention, shall destroy such information, except that, if a
86 warrant is issued in accordance with section 54-33a of the general
87 statutes based in part on such information, such information may be
88 retained pursuant to the warrant.

89 (4) No information that was retained in violation of subdivision (2)
90 or (3) of this subsection shall be admitted into evidence or otherwise
91 considered by any court or agency, body or committee of this state or
92 any municipality.

93 (g) (1) Not later than January 1, 2020, the Police Officer Standards
94 and Training Council shall develop and promulgate a model policy
95 that provides guidelines on the operation of an unmanned aerial
96 vehicle by a law enforcement officer, including a weaponized
97 unmanned aerial vehicle, and the destruction, modification and
98 retention of information collected by such operation. Upon completion
99 of such model policy, the council shall report such policy, in
100 accordance with the provisions of section 11-4a of the general statutes,
101 to the joint standing committees of the General Assembly having
102 cognizance of matters relating to the judiciary and public safety.

103 (2) Each law enforcement agency that possesses for operation an
104 unmanned aerial vehicle or authorizes a law enforcement officer to
105 operate an unmanned aerial vehicle shall adopt and maintain a written
106 policy that meets or exceeds the model policy developed by the Police
107 Officer Standards and Training Council pursuant to subdivision (1) of
108 this subsection and that includes a process for categorizing the types of

109 such operations, before taking possession of such unmanned aerial
110 vehicle or not later than thirty days after a law enforcement officer
111 operates an unmanned aerial vehicle.

112 (h) Not later than January thirty-first of each year, each law
113 enforcement agency that operated an unmanned aerial vehicle in the
114 preceding calendar year shall prepare a report that includes, but need
115 not be limited to: (1) The number of times the law enforcement agency
116 operated an unmanned aerial vehicle in the preceding calendar year,
117 (2) the type of such operation as categorized in the policy adopted
118 pursuant to subdivision (2) of subsection (g) of this section, (3) whether
119 the unmanned aerial vehicle was operated pursuant to a warrant, and
120 (4) the number of times the type of information collected through the
121 operation of an unmanned aerial vehicle provided reasonable and
122 articulable suspicion that a criminal offense was being committed. The
123 law enforcement agency shall make such report available on the law
124 enforcement agency's Internet web site or the Internet web site of the
125 municipality served by the law enforcement agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section

Statement of Purpose:

To regulate the use of unmanned aerial vehicles by law enforcement officers and require law enforcement agencies to report on their use of such vehicles.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]