

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1792

(SENATE AUTHORS: NIENOW)

DATE	D-PG	OFFICIAL STATUS
03/16/2015		Introduction and first reading Referred to Judiciary

1.1 A bill for an act
 1.2 relating to public safety; prohibiting law enforcement agencies from using
 1.3 unmanned aerial cameras to gather evidence in certain circumstances; authorizing
 1.4 civil actions; proposing coding for new law in Minnesota Statutes, chapter 626.

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

1.6 Section 1. **[626.19] SEARCHES AND SEIZURES USING A DRONE.**

1.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
 1.8 the meanings given.

1.9 (b) "Unmanned aerial camera" or "UAC" means a powered, aerial vehicle with
 1.10 a camera that:

- 1.11 (1) does not carry a human operator;
- 1.12 (2) uses aerodynamic forces to provide vehicle lift;
- 1.13 (3) can fly autonomously or be piloted remotely; and
- 1.14 (4) can be expendable or recoverable.

1.15 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision
 1.16 1, paragraph (f).

1.17 Subd. 2. **Prohibited use of drones.** A law enforcement agency may not use a UAC
 1.18 to gather evidence or other information on individuals.

1.19 Subd. 3. **Exceptions.** This section does not prohibit the use of a UAC:

1.20 (1) to counter a high risk of a terrorist attack by a specific individual or organization
 1.21 if the secretary of the United States Department of Homeland Security determines that
 1.22 credible intelligence indicates that there is this risk;

1.23 (2) if the law enforcement agency first obtains a search warrant authorizing its use;

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

2.5 (4) to prevent the loss of life and property in natural or man-made disaster situations
2.6 and to facilitate the operational planning, rescue, and recovery operations in the aftermath
2.7 of those disasters.

2.8 Subd. 4. **Remedies for violation.** A person aggrieved by a law enforcement
2.9 agency's violation of this section may bring a civil action against the agency.

2.10 Subd. 5. **Prohibition on use of evidence.** Evidence obtained or collected in
2.11 violation of this section is not admissible in a criminal prosecution in this state.