

As Introduced

**130th General Assembly
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H. B. No. 364

Representative DeVitis

**Cosponsors: Representatives Becker, Adams, J., Hood, Maag, Mallory,
Terhar, Young**

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A B I L L

To enact sections 4561.51 to 4561.60 of the Revised 1
Code to regulate the use of unmanned aerial 2
vehicles in this state. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4561.51, 4561.52, 4561.53, 4561.54, 4
4561.55, 4561.56, 4561.57, 4561.58, 4561.59, and 4561.60 of the 5
Revised Code be enacted to read as follows: 6

Sec. 4561.51. As used in sections 4561.51 to 4561.59 of the 7
Revised Code: 8

(A) "Employee" means a person who is employed by a department 9
or agency of either this state or a political subdivision of this 10
state. "Employee" includes a person who works on behalf of such a 11
department or agency pursuant to a contract executed between the 12
department or agency and the person or the person's employer. 13

(B) "Unmanned aerial vehicle" means an aircraft that is 14
operated without the possibility of direct human intervention from 15
within or on the aircraft. 16

Sec. 4561.52. (A) No department or agency of this state or a 17

political subdivision of this state shall operate an unmanned 18
aerial vehicle in this state unless the unmanned aerial vehicle 19
first is registered with the division of homeland security of the 20
department of public safety. The executive director of the 21
division, in consultation with the director of the department, 22
shall formulate and implement the registration process. 23

(B) Any operation of an unmanned aerial vehicle in this state 24
shall comply fully with all applicable federal aviation 25
administration requirements and guidelines. Acquisition of an 26
unmanned aerial vehicle by a department or agency of this state 27
shall be approved by the head of the department or agency seeking 28
such acquisition. Acquisition of an unmanned aerial vehicle by a 29
department or agency of a political subdivision of this state 30
shall be approved by the legislative authority of the political 31
subdivision seeking such acquisition. 32

Sec. 4561.53. (A) No employee shall operate an unmanned 33
aerial vehicle unless authorized to do so under section 4561.54 of 34
the Revised Code. 35

(B) No employee shall disclose information acquired through 36
the authorized operation of an unmanned aerial vehicle except as 37
provided in section 4561.54 of the Revised Code. 38

Sec. 4561.54. (A) An employee may operate an unmanned aerial 39
vehicle and disclose information acquired through the operation of 40
the unmanned aerial vehicle only as follows: 41

(1) A person provides a written statement to such an employee 42
giving the employee permission to operate the unmanned aerial 43
vehicle for purposes of acquiring information about the person and 44
to disclose information about the person that is acquired through 45
operation of the unmanned aerial vehicle. 46

(2) The employee determines that there is reasonable cause to believe that an emergency situation exists in which there is an immediate threat to the life or safety of a person, and, in order to assist that person, operation of an unmanned aerial vehicle and the reception and disclosure of information acquired through such operation is necessary, subject to both of the following: 47
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(a) A written request for the use of the unmanned aerial vehicle is made to the applicable department or agency that documents the factual basis for the emergency; 53
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(b) Not later than forty-eight hours after the employee begins operation of the unmanned aerial vehicle, an official with supervisory authority or power over the employee files a sworn statement with the court of common pleas that has jurisdiction over the location of the person whose life or safety was threatened, setting forth the grounds for the emergency use of the unmanned aerial vehicle. 56
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(3)(a) The employee determines that there is reasonable cause to believe that an emergency situation exists that involves conspiratorial activities that threaten the national security interests of the United States or that are characteristic of organized crime, and all of the following apply: 63
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(i) Operation of an unmanned aerial vehicle is required before a warrant or order authorizing such operation, with due diligence, can be obtained; 68
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(ii) There are grounds upon which such a warrant or order could be issued to authorize such operation; 71
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(iii) An application for a warrant or order approving such operation is made in the appropriate court of common pleas within forty-eight hours after operation of the unmanned aerial vehicle has occurred or begins to occur. 73
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(b) In the absence of a warrant or order described in 77

division (A)(3)(a)(iii) of this section, operation of an unmanned 78
aerial vehicle carried out under division (A)(3) of this section 79
shall terminate immediately upon obtaining the information 80
concerning the emergency situation or upon the denial of the 81
application for a warrant or order, whichever is earlier. 82

(c) If an application for a warrant or order described in 83
division (A)(3)(a)(iii) of this section is denied, all information 84
obtained from the operation of the unmanned aerial vehicle under 85
division (A)(3) of this section shall be deemed as having been 86
obtained in violation of sections 4561.51 to 4561.59 of the 87
Revised Code. Notice of such denial and the status of the 88
information shall be served on the person named in the application 89
for the warrant or order who is the target of the unmanned aerial 90
vehicle. 91

(4) The unmanned aerial vehicle is operated in order to 92
collect information from private property pursuant to a warrant 93
issued by the court of common pleas that has jurisdiction over the 94
property. 95

(5) The unmanned aerial vehicle is operated in order to 96
collect information from public property; provided, that in such a 97
circumstance the operation shall be conducted pursuant to a 98
warrant or order issued by the court of common pleas that has 99
jurisdiction over the subject area. The court shall issue the 100
warrant or order only if the employee offers to the court specific 101
and articulable facts that demonstrate reasonable suspicion of 102
criminal activity, that the operation of the public unmanned 103
aircraft system will uncover such activity, and that alternative 104
methods of data collection are either cost-prohibitive or present 105
a significant risk of bodily harm to any person. No order issued 106
under division (A)(5) of this section shall be issued for a period 107
greater than forty-eight hours. The court may grant extensions of 108
the order, but in no case shall an extension be longer than the 109

issuing judge determines necessary to achieve the purposes for 110
which it was granted. No extension shall be granted for more than 111
thirty days. 112

(6) The unmanned aerial vehicle is being used to collect 113
information and none of the information acquired through the 114
operation of the unmanned aerial vehicle and no evidence derived 115
from such operation is to be received in evidence in any trial, 116
hearing, or other proceeding in or before any court, grand jury, 117
department, officer, agency, regulatory body, legislative 118
committee, or other authority of this state or a political 119
subdivision of this state, or is to be used for any intelligence 120
purpose. 121

(B) When an unmanned aerial vehicle is used in any of the 122
circumstances described in division (A) of this section, it shall 123
be operated in a manner to collect data only on the person who is 124
the target of the unmanned aerial vehicle and shall avoid data 125
collection on individuals, homes, or areas other than the target. 126

(C) No data collected through operation of an unmanned aerial 127
vehicle on an individual, home, or area other than the target 128
person who justified deployment of the vehicle shall be used, 129
copied, or disclosed for any purpose. Such data shall be deleted 130
and overwritten as soon as possible, and in no event later than 131
twenty-four hours after collection. Neither facial recognition nor 132
other biometric matching technology shall be used on nontarget 133
data collected by an unmanned aerial vehicle. 134

Sec. 4561.55. (A) When an employee applies to a court for a 135
warrant or order under section 4561.54 of the Revised Code, the 136
employee may include in the application a request for an order 137
delaying any notification of the warrant or order that is required 138
under the Revised Code or Criminal Rule 41. The court shall issue 139
the order of delay for a period not to exceed ninety days if the 140

court determines that there is reason to believe that notification 141
of the existence of the warrant or order may have an adverse 142
result described in division (B) of this section. 143

(B) For purposes of division (A) of this section, an adverse 144
result is any of the following: 145

(1) The life or physical safety of an individual may become 146
endangered; 147

(2) An individual may flee this state to avoid prosecution; 148

(3) Evidence may be destroyed or tampered with; 149

(4) Potential witnesses may be intimidated; 150

(5) Other circumstances may arise or events may occur that 151
otherwise seriously jeopardize an investigation or unduly delay a 152
trial. 153

(C) After an initial order delaying notification of a warrant 154
or order issued under division (A) of this section, the court may 155
order one or more extensions of the delay of up to ninety days 156
each upon application by an employee. 157

(D) Upon expiration of the period of delay of notification, 158
the applicable employee shall serve upon, or deliver by registered 159
or first-class mail to, each person about whom information was 160
collected by the unmanned aerial vehicle a copy of the warrant or 161
order together with notice that does both of the following: 162

(1) States with reasonable specificity the nature of the law 163
enforcement inquiry; 164

(2) Informs the person or persons about whom information was 165
so collected of all of the following: 166

(a) That notification to such person was delayed; 167

(b) The name of the court that issued the order delaying 168
notification; 169

(c) That section 4561.55 of the Revised Code permitted the 170
delay. 171

Sec. 4561.56. When an employee operates an unmanned aerial 172
vehicle, none of the information acquired from such operation and 173
no evidence derived from such operation shall be received in 174
evidence in any trial, hearing, or other proceeding in or before 175
any court, grand jury, department, officer, agency, regulatory 176
body, legislative committee, or other authority of this state or a 177
political subdivision if the information is obtained in violation 178
of sections 4561.51 to 4561.59 of the Revised Code or the 179
disclosure of that information would be in violation of sections 180
4561.51 to 4561.59 of the Revised Code. 181

Sec. 4561.57. No unmanned aerial vehicle shall be equipped 182
with any weapon of any kind. 183

Sec. 4561.58. (A) Any person who is injured in any manner due 184
to a violation of sections 4561.51 to 4561.56 of the Revised Code 185
may file an action with the appropriate court of common pleas. 186

(B) If a court or department or agency of this state 187
determines that an employee of this state has violated any 188
provision of sections 4561.51 to 4561.56 of the Revised Code and 189
the court or department or agency finds that the employee acted 190
willfully or intentionally with respect to the violation, the 191
department or agency, upon receipt of a true and correct copy of 192
the decision and findings of the court or upon a written 193
determination of such decision and findings by the department or 194
agency, shall initiate promptly a proceeding to determine whether 195
disciplinary action against the employee by the department or 196
agency is warranted. The head of the department or agency that 197
employs the employee shall determine whether or not disciplinary 198
action is warranted. 199

action is warranted, and upon such determination shall notify the 200
inspector general and provide the inspector general with the 201
reasons for such determination. 202

Sec. 4561.59. (A) Not later than the last day of June of each 203
year, any department or agency of this state or of any political 204
subdivision that operated or had operated on its behalf an 205
unmanned aerial vehicle during the immediately preceding twelve 206
months shall report to the general assembly, and make public on 207
its web site, all of the following information: 208

(1) The number of times an unmanned aerial vehicle was used, 209
organized by the types of incidents and the types of justification 210
for deployment; 211

(2) The number of criminal investigations that were aided by 212
the use of unmanned aerial vehicles, including a description of 213
how the unmanned aerial vehicle was of assistance to each 214
investigation; 215

(3) The number of times unmanned aerial vehicles were used 216
for reasons other than criminal investigations, including a 217
description of how the unmanned aerial vehicle was of assistance 218
in each instance; 219

(4) The frequency and type of data collected on individuals 220
or areas other than targets; 221

(5) The total cost to the department, agency, or political 222
subdivision of its unmanned aerial vehicle program. 223

(B) Not later than the last day of January of each year, any 224
judge who issued an order or an extension of an order under 225
sections 4561.51 to 4561.59 of the Revised Code that expired 226
during the preceding calendar year, or who denied issuance of such 227
an order or extension during that year, shall submit to the 228
attorney general a report that contains all of the following: 229

<u>(1) The fact that an order or extension was applied for;</u>	230
<u>(2) The kind of order or extension that was applied for;</u>	231
<u>(3) The fact that the order or extension was granted as applied for, was modified, or was denied;</u>	232 233
<u>(4) The period of unmanned aerial vehicle use authorized by the order, and the number and duration of any extensions of the order that were issued;</u>	234 235 236
<u>(5) The offense specified in the order or application, or extension of an order;</u>	237 238
<u>(6) The name of the employee who made the application and the name of the person who authorized the application.</u>	239 240
<u>(C)(1) Not later than the last day of June of each year, the attorney general shall compile a report that contains all of the following:</u>	241 242 243
<u>(a) The information described in divisions (B)(1) to (6) of this section with respect to each application for an order or extension made during the preceding calendar year;</u>	244 245 246
<u>(b) A general description of the information gathered under such orders or extensions, including all of the following:</u>	247 248
<u>(i) The approximate nature and frequency of incriminating conduct gathered;</u>	249 250
<u>(ii) The approximate number of persons upon whom information was gathered;</u>	251 252
<u>(iii) The approximate nature, amount, and cost of the manpower and other resources used in the collection.</u>	253 254
<u>(c) The number of arrests resulting from information gathered and the offenses for which arrests were made;</u>	255 256
<u>(d) The number of trials resulting from such information;</u>	257
<u>(e) The number of motions to suppress made with respect to</u>	258

<u>such information, and the number granted or denied;</u>	259
<u>(f) The number of convictions resulting from such information</u>	260
<u>and the offenses for which the convictions were obtained;</u>	261
<u>(g) A general assessment of the importance of the</u>	262
<u>information;</u>	263
<u>(h) A summary and analysis of the data described in divisions</u>	264
<u>(B)(1) to (6) and (C)(1)(a) to (g) of this section.</u>	265
<u>(2) Not later than the last day of June of each year, the</u>	266
<u>attorney general shall transmit to the general assembly and post</u>	267
<u>on the web site of the attorney general the report described in</u>	268
<u>division (C)(1) of this section.</u>	269
<u>Sec. 4561.60. The operation of an unmanned aerial vehicle by</u>	270
<u>a private person or entity is subject to all applicable criminal</u>	271
<u>laws and civil causes of action of this state.</u>	272