

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**S. B. No. 189**

**Senator Jordan**

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**A B I L L**

To enact sections 4561.51 to 4561.58 of the Revised Code to regulate the use of unmanned aerial vehicles in this state.

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

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

**Sec. 4561.51.** As used in sections 4561.51 to 4561.58 of the Revised Code:

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

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

**Sec. 4561.52.** Any operation of an unmanned aerial vehicle in this state shall comply fully with all applicable federal aviation administration requirements and guidelines. Acquisition of an

unmanned aerial vehicle by a department or agency of this state 20  
shall be approved by the head of the department or agency seeking 21  
such acquisition. Acquisition of an unmanned aerial vehicle by a 22  
department or agency of a political subdivision of this state 23  
shall be approved by the legislative authority of the political 24  
subdivision seeking such acquisition. 25

**Sec. 4561.53.** (A) No employee shall operate an unmanned 26  
aerial vehicle unless authorized to do so under section 4561.54 of 27  
the Revised Code. 28

(B) No employee shall disclose information acquired through 29  
the authorized operation of an unmanned aerial vehicle except as 30  
provided in section 4561.54 of the Revised Code. 31

**Sec. 4561.54.** (A) An employee may operate an unmanned aerial 32  
vehicle and disclose information acquired through the operation of 33  
the unmanned aerial vehicle only as follows: 34

(1) A person provides a written statement to such an employee 35  
giving the employee permission to operate the unmanned aerial 36  
vehicle for purposes of acquiring information about the person and 37  
to disclose information about the person that is acquired through 38  
operation of the unmanned aerial vehicle. 39

(2) The employee determines that there is reasonable cause to 40  
believe that an emergency situation exists in which there is an 41  
immediate threat to the life or safety of a person, and, in order 42  
to assist that person, operation of an unmanned aerial vehicle and 43  
the reception and disclosure of information acquired through such 44  
operation is necessary, subject to both of the following: 45

(a) A written request for the use of the unmanned aerial 46  
vehicle is made to the applicable department or agency that 47  
documents the factual basis for the emergency; 48

(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. 49 50 51 52 53 54 55

(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: 56 57 58 59 60

(i) Operation of an unmanned aerial vehicle is required before a warrant or order authorizing such operation, with due diligence, can be obtained; 61 62 63

(ii) There are grounds upon which such a warrant or order could be issued to authorize such operation; 64 65

(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. 66 67 68 69

(b) In the absence of a warrant or order described in division (A)(3)(a)(iii) of this section, operation of an unmanned aerial vehicle carried out under division (A)(3) of this section shall terminate immediately upon obtaining the information concerning the emergency situation or upon the denial of the application for a warrant or order, whichever is earlier. 70 71 72 73 74 75

(c) If an application for a warrant or order described in division (A)(3)(a)(iii) of this section is denied, all information obtained from the operation of the unmanned aerial vehicle under division (A)(3) of this section shall be deemed as having been 76 77 78 79

obtained in violation of sections 4561.51 to 4561.58 of the 80  
Revised Code. Notice of such denial and the status of the 81  
information shall be served on the person named in the application 82  
for the warrant or order who is the target of the unmanned aerial 83  
vehicle. 84

(4) The unmanned aerial vehicle is operated in order to 85  
collect information from private property pursuant to a warrant 86  
issued by the court of common pleas that has jurisdiction over the 87  
property. 88

(5) The unmanned aerial vehicle is operated in order to 89  
collect information from public property; provided, that in such a 90  
circumstance the operation shall be conducted pursuant to a 91  
warrant or order issued by the court of common pleas that has 92  
jurisdiction over the subject area. The court shall issue the 93  
warrant or order only if the employee offers to the court specific 94  
and articulable facts that demonstrate reasonable suspicion of 95  
criminal activity, that the operation of the public unmanned 96  
aircraft system will uncover such activity, and that alternative 97  
methods of data collection are either cost-prohibitive or present 98  
a significant risk of bodily harm to any person. No order issued 99  
under division (A)(5) of this section shall be issued for a period 100  
greater than forty-eight hours. The court may grant extensions of 101  
the order, but in no case shall an extension be longer than the 102  
issuing judge determines necessary to achieve the purposes for 103  
which it was granted. No extension shall be granted for more than 104  
thirty days. 105

(6) The unmanned aerial vehicle is being used to collect 106  
information and none of the information acquired through the 107  
operation of the unmanned aerial vehicle and no evidence derived 108  
from such operation is to be received in evidence in any trial, 109  
hearing, or other proceeding in or before any court, grand jury, 110  
department, officer, agency, regulatory body, legislative 111

committee, or other authority of this state or a political 112  
subdivision of this state, or is to be used for any intelligence 113  
purpose. 114

(B) When an unmanned aerial vehicle is used in any of the 115  
circumstances described in division (A) of this section, it shall 116  
be operated in a manner to collect data only on the person who is 117  
the target of the unmanned aerial vehicle and shall avoid data 118  
collection on individuals, homes, or areas other than the target. 119

(C) No data collected through operation of an unmanned aerial 120  
vehicle on an individual, home, or area other than the target 121  
person who justified deployment of the vehicle shall be used, 122  
copied, or disclosed for any purpose. Such data shall be deleted 123  
and overwritten as soon as possible, and in no event later than 124  
twenty-four hours after collection. Neither facial recognition nor 125  
other biometric matching technology shall be used on nontarget 126  
data collected by an unmanned aerial vehicle. 127

**Sec. 4561.55.** When an employee operates an unmanned aerial 128  
vehicle, none of the information acquired from such operation and 129  
no evidence derived from such operation shall be received in 130  
evidence in any trial, hearing, or other proceeding in or before 131  
any court, grand jury, department, officer, agency, regulatory 132  
body, legislative committee, or other authority of this state or a 133  
political subdivision if the information is obtained in violation 134  
of sections 4561.51 to 4561.58 of the Revised Code or the 135  
disclosure of that information would be in violation of sections 136  
4561.51 to 4561.58 of the Revised Code. 137

**Sec. 4561.56.** No unmanned aerial vehicle shall be equipped 138  
with any weapon of any kind. 139

**Sec. 4561.57.** (A) Any person who is injured in any manner due 140  
to a violation of sections 4561.51 to 4561.56 of the Revised Code 141

may file an action with the appropriate court of common pleas. 142

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(B) If a court or department or agency of this state 144

determines that an employee of this state has violated any 145

provision of sections 4561.51 to 4561.56 of the Revised Code and 146

the court or department or agency finds that the employee acted 147

willfully or intentionally with respect to the violation, the 148

department or agency, upon receipt of a true and correct copy of 149

the decision and findings of the court or upon a written 150

determination of such decision and findings by the department or 151

agency, shall initiate promptly a proceeding to determine whether 152

disciplinary action against the employee by the department or 153

agency is warranted. The head of the department or agency that 154

employs the employee shall determine whether or not disciplinary 155

action is warranted, and upon such determination shall notify the 156

inspector general and provide the inspector general with the 157

reasons for such determination. 158

**Sec. 4561.58.** (A) Not later than the last day of June of each 159

year, any department or agency of this state or of any political 160

subdivision that operated or had operated on its behalf an 161

unmanned aerial vehicle during the immediately preceding twelve 162

months shall report to the general assembly, and make public on 163

its web site, all of the following information: 164

(1) The number of times an unmanned aerial vehicle was used, 165

organized by the types of incidents and the types of justification 166

for deployment; 167

(2) The number of criminal investigations that were aided by 168

the use of unmanned aerial vehicles, including a description of 169

how the unmanned aerial vehicle was of assistance to each 170

investigation; 171

(3) The number of times unmanned aerial vehicles were used 172  
for reasons other than criminal investigations, including a 173  
description of how the unmanned aerial vehicle was of assistance 174  
in each instance; 175

(4) The frequency and type of data collected on individuals 176  
or areas other than targets; 177

(5) The total cost to the department, agency, or political 178  
subdivision of its unmanned aerial vehicle program. 179

(B) Not later than the last day of January of each year, any 180  
judge who issued an order or an extension of an order under 181  
sections 4561.51 to 4561.58 of the Revised Code that expired 182  
during the preceding calendar year, or who denied issuance of such 183  
an order or extension during that year, shall submit to the 184  
attorney general a report that contains all of the following: 185

(1) The fact that an order or extension was applied for; 186

(2) The kind of order or extension that was applied for; 187

(3) The fact that the order or extension was granted as 188  
applied for, was modified, or was denied; 189

(4) The period of unmanned aerial vehicle use authorized by 190  
the order, and the number and duration of any extensions of the 191  
order that were issued; 192

(5) The offense specified in the order or application, or 193  
extension of an order; 194

(6) The name of the employee who made the application and the 195  
name of the person who authorized the application. 196

(C)(1) Not later than the last day of June of each year, the 197  
attorney general shall compile a report that contains all of the 198  
following: 199

(a) The information described in divisions (B)(1) to (6) of 200  
this section with respect to each application for an order or 201

<u>extension made during the preceding calendar year;</u>	202
<u>(b) A general description of the information gathered under such orders or extensions, including all of the following:</u>	203
<u>(i) The approximate nature and frequency of incriminating conduct gathered;</u>	204
<u>(ii) The approximate number of persons upon whom information was gathered;</u>	205
<u>(iii) The approximate nature, amount, and cost of the manpower and other resources used in the collection.</u>	206
<u>(c) The number of arrests resulting from information gathered and the offenses for which arrests were made;</u>	207
<u>(d) The number of trials resulting from such information;</u>	208
<u>(e) The number of motions to suppress made with respect to such information, and the number granted or denied;</u>	209
<u>(f) The number of convictions resulting from such information and the offenses for which the convictions were obtained;</u>	210
<u>(g) A general assessment of the importance of the information;</u>	211
<u>(h) A summary and analysis of the data described in divisions (B)(1) to (6) and (C)(1)(a) to (g) of this section.</u>	212
<u>(2) Not later than the last day of June of each year, the attorney general shall transmit to the general assembly and post on the web site of the attorney general the report described in division (C)(1) of this section.</u>	213
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