



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 207

130th General Assembly

(As Reported by H. Transportation, Public Safety, and Homeland Security)

Reps. Damschroder, J. Adams, Beck, Becker, Hood, Huffman, Stebelton, Thompson, Mallory, DeVitis, Green

BILL SUMMARY

- Prohibits any law enforcement agency and any person acting on behalf of a law enforcement agency from operating a drone in order to obtain evidence or any other information, except if a warrant has been obtained or in certain other circumstances involving an emergency.
- Prohibits any information collected from drone operation and any evidence derived from such information from being used as evidence in any trial or other proceeding if the information was obtained in violation of the bill.
- Provides that if a law enforcement agency violates the bill, sovereign immunity does not apply in any civil proceeding filed by an aggrieved party and does not limit or bar recovery of damages in such a proceeding.

CONTENT AND OPERATION

Operation of drones by law enforcement agencies

The bill generally prohibits any law enforcement agency (including any person acting on behalf of a law enforcement agency) from operating a drone in order to obtain evidence or any other information. However, a law enforcement agency may operate a drone in any of the following circumstances:

(1) The United States Secretary of Homeland Security has determined that credible intelligence indicates that there is high risk of a terrorist attack by a specific person or organization and the operation of the drone is necessary to address the threat of that terrorist attack;

(2) The law enforcement agency has obtained a search warrant and the operation of the drone is in accordance with that warrant;

(3) The operation of the drone by a law enforcement agency is based upon a reasonable suspicion that swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence.¹

The bill prohibits any information collected from drone operation, and any evidence derived from such information, from being used as evidence in any trial, hearing, or other proceeding before any court, agency, or other authority of the state or a political subdivision if the information was obtained in violation of the bill's general prohibition governing drone operation or if the information was obtained pursuant to an authorized use described in above items (1) to (3) but was beyond the scope of that authorized use.²

Any person aggrieved or adversely affected by an alleged violation of the bill's prohibition regarding drone operation by a law enforcement agency may commence a civil action for damages, including reasonable attorney's fees, against any person, the state, or the political subdivision alleged to be in violation of that prohibition. In the case of such a violation, the bill specifically states that sovereign immunity does not apply to the civil proceeding or limit or bar recovery of damages. Thus, civil liability may be imposed on the state or a political subdivision if a law enforcement agency that represents the state or the political subdivision commits a violation of the bill.³

The bill prohibits any drone from being equipped with any weapon of any kind.⁴

Additional provision relating to immunity

The bill provides that the provision of existing law that grants total immunity to a prosecuting attorney and any officer or employee of the office of the prosecuting attorney or of a law enforcement agency from any civil liability that otherwise might be incurred as the result of providing information on criminally injurious conduct and related matters to the Attorney General does not apply if the information was obtained

¹ R.C. 4561.50(A)(1) to (3).

² R.C. 4561.50(B).

³ R.C. 2744.02(B)(5) and 4561.50(C).

⁴ R.C. 4561.50(D).



in violation of the bill's prohibition regarding drone operation by a law enforcement agency.⁵

Definitions

The bill contains the following definitions for two terms used in the bill:

(1) "Drone" means any aircraft to which all of the following apply:

- (A) The aircraft does not carry a human operator;
- (B) The aircraft uses aerodynamic forces to provide vehicle lift;
- (C) The aircraft can fly autonomously or be piloted remotely.⁶

(2) "Law enforcement agency" means a police department, the office of a county sheriff, the State Highway Patrol, a county prosecuting attorney, the Attorney General, or a state or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.⁷

HISTORY

ACTION	DATE
Introduced	06-12-13
Reported, H. Transportation, Public Safety & Homeland Security	05-28-14

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⁵ R.C. 2743.58.

⁶ R.C. 4561.50(D)(1).

⁷ R.C. 4561.50(D)(2).

