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**Ohio Senate**

**Committees:**

* Finance – *Ranking Minority Member*
* Agriculture
* Energy and Natural Resources
* Finance – General Government & Agency Review Subcommittee
* Government Oversight and Reform
* Judiciary

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**Michael J. Skindell**

State Senator

23rd District

**Before the Senate Local Government, Public Safety & Veterans Affairs Committee**

**Senate Bill 60 - Drone Use by Law Enforcement/Evidentiary Issues**

**Sponsor Testimony by Senator Michael J. Skindell**

**March 21, 2017**

Chairman Uecker, Vice Chairman Wilson, Ranking Member Thomas and members of the Senate Local Government, Public Safety & Veterans Affairs Committee, thank you for the opportunity to provide sponsor testimony on SB 60, which would establish standards for law enforcement with respect to criminal procedure and evidentiary matters regarding the use of drones. It has been a pleasure to work with my colleague, Senator Kris Jordan, as a dual sponsor on this legislation. We introduced this legislation in the 131st General Assembly as SB 251.

In the past few years, drones have become an omnipresent device in our society. Under current law, there are no safeguards and guidelines for drone use with respect to law enforcement. This may cause serious issues and concerns with respect to privacy and civil liberties.

“Drones”, for purposes of this legislation, mean any powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicular lift, can fly automatically or be controlled remotely and may be expendable or recoverable. The bill will regulate the use of drones by law enforcement in the gathering of evidence and information. Specifically, the legislation states that, with rare exceptions, law enforcement must obtain search warrants in accordance with the Ohio Revised Code and the Ohio Rules of Criminal Procedure. The search warrant is obtained based on probable cause in accordance with O.R.C. 2933.22 and Rule 41 of the Ohio Rules of Criminal Procedure. The bill outlines rare instances where drones may be used without obtaining a warrant (emergency situations), and details the post-search application process necessary in these situations. It also provides other limited situations where drones may be used to collect information such as traffic accidents and aiding in locating missing persons whose health or mental state creates the need for such use. Finally, the legislation also provides stringent annual reporting requirements regarding drone use by law enforcement agencies, judges and the Attorney General.

As of last year, 38 states have introduced bills to regulate drone usage in this area, and 18 states have enacted laws[[1]](#footnote-1). This bill was patterned after legislation in Indiana, Wisconsin and Illinois. This bill will ensure that the safeguards of Rules of Criminal Procedure, Rules of Evidence and basic civil liberties are maintained while these mechanisms are used by law enforcement.

Chairman Uecker, Vice Chairman Wilson, Ranking Member Thomas and members of the Senate Local Government, Public Safety & Veterans Affairs Committee, thank you for your consideration of SB 60. We would be happy to answer any questions relating to this legislation.

1. “Current Unmanned Aircraft State Law Alndscape”. National Conference of State Legislatures. January 5, 2017. [↑](#footnote-ref-1)