

As Reported by the House Aviation and Aerospace Committee

135th General Assembly

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Sub. H. B. No. 149

Representative Willis

Cosponsors: Representatives Plummer, Click, Seitz, Holmes, Miller, J., Dell'Aquila

A BILL

To enact sections 4561.60, 4561.61, 4561.62, 1
4561.63, and 4561.64 of the Revised Code to 2
establish requirements related to the use of an 3
unmanned aerial vehicle by law enforcement. 4

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

Section 1. That sections 4561.60, 4561.61, 4561.62, 5
4561.63, and 4561.64 of the Revised Code be enacted to read as 6
follows: 7

Sec. 4561.60. As used in sections 4561.60 to 4561.64 of 8
the Revised Code: 9

(A) "Surveillance data" means the data collected by an 10
unmanned aerial vehicle during its flight, including images, 11
videos, or other forms of observation recording. 12

(B) "Flight data" means the data pertaining to an unmanned 13
aerial vehicle's flight from both the original plan for the 14
flight and the actual flight that was taken, including the 15
flight's duration, path, and mission objectives. 16

(C) "Law enforcement agency" means a government entity 17

that employs peace officers to perform law enforcement duties. 18

(D) "Peace officer" has the same meaning as in section 19
2935.01 of the Revised Code. 20

(E) "Unmanned aerial vehicle" means a powered, aerial 21
vehicle to which all of the following apply: 22

(1) The vehicle does not carry a human operator and is 23
operated without the possibility of direct human intervention 24
from within or on the vehicle. 25

(2) The vehicle uses aerodynamic forces to provide lift. 26

(3) The vehicle can fly autonomously or be piloted 27
remotely. 28

(4) The vehicle is either expendable or recoverable. 29

"Unmanned aerial vehicle" is commonly referred to as a 30
drone and does not include a satellite. 31

(F) "Unmanned aerial vehicle system" means an unmanned 32
aerial vehicle and associated elements, including communication 33
links and components that control the unmanned aerial vehicle 34
and that are required for the remote pilot in command to operate 35
the vehicle in the air space over this state. 36

Sec. 4561.61. (A) If a peace officer would otherwise be 37
required to obtain a search warrant to physically enter a house 38
or a place in person to conduct a search, the peace officer or 39
applicable law enforcement agency shall obtain a search warrant 40
to do either of the following to collect surveillance data 41
concerning the house or place in lieu of the in-person search: 42

(1) Enter the interior of the house or place through the 43
use of an unmanned aerial vehicle system; 44

(2) Observe the interior of the house or place through the use of an unmanned aerial vehicle system. 45
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(B)(1) Except as provided in division (B)(2) of this section, surveillance data, and any information obtained through that data, is not admissible in a criminal proceeding if it was gathered under circumstances that require a search warrant under division (A) of this section and a search warrant was not obtained by either the peace officer or the law enforcement agency. 47
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(2) Surveillance data, and any information obtained through that data, that was gathered under the circumstances specified in section 4561.62 of the Revised Code may be admitted in a criminal proceeding without a peace officer or law enforcement agency obtaining a search warrant. 54
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Sec. 4561.62. A law enforcement agency may use an unmanned aerial vehicle for surveillance without a search warrant as follows: 59
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(A) To patrol within fifty miles of a national border for purposes of policing that border to prevent or deter the illegal entry of any individual, illegal substance, or contraband; 62
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(B) When exigent circumstances exist; 65

(C) Before, during, or immediately after an environmental or weather-related catastrophe to allow the agency to better preserve public safety, to protect property, to survey environmental damage in order to determine if a state of emergency should be declared, or to conduct surveillance for the assessment and evaluation of damage, erosion, flood, or contamination; 66
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(D) To examine the scene of a vehicle accident, monitor 73

traffic congestion, or conduct other forms of traffic law 74
enforcement under Chapter 4511. or 4513. of the Revised Code or 75
an equivalent municipal ordinance that does not require a peace 76
officer to obtain a search warrant in advance of conducting such 77
enforcement; 78

(E) To photograph and record evidence at a crime scene; 79

(F) For research, education, training, testing, or 80
development efforts related to unmanned aerial vehicles or 81
unmanned aerial vehicle systems, their technologies, and their 82
potential applications, undertaken by or in conjunction with a 83
school, an institution of higher education, or a public or 84
private collaborator. 85

Sec. 4561.63. (A) A law enforcement agency shall not use, 86
authorize the use of, or issue a permit for the use of, an 87
unmanned aerial vehicle armed with any lethal weapon. 88

(B) A law enforcement agency shall not authorize the use 89
of or issue a permit for the use of an unmanned aerial vehicle 90
for the surveillance of one private individual by another 91
private individual unless the agency obtains one of the 92
following: 93

(1) The express, informed consent of the individual being 94
surveilled by the unmanned aerial vehicle; 95

(2) The express, informed consent of the owner of the real 96
property on which the individual being surveilled by the 97
unmanned aerial vehicle is present. 98

Sec. 4561.64. (A) A law enforcement agency shall do both 99
of the following relative to its use of unmanned aerial 100
vehicles: 101

(1) Ensure that the agency and any applicable peace officer employed by the agency documents all flight data for each surveillance flight of an unmanned aerial vehicle taken by or on behalf of the agency; 102
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(2) Verify that the flight data for each surveillance flight is accurate and complete. 106
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(B) A law enforcement agency shall retain any surveillance data or flight data that is relevant to an ongoing investigation, trial, or litigation until it is determined that such data is no longer necessary for that purpose. 108
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(C) (1) Except as provided by division (C) (2) of this section, a person accused of a crime that includes evidence gathered through the use of an unmanned aerial vehicle may obtain, via the subpoena and discovery process available during court proceedings, information relating to that person acquired in the course of surveillance of that person by the unmanned aerial vehicle. 112
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(2) The operational capabilities of the unmanned aerial vehicle and unmanned aerial vehicle system or other operational information strictly related to the technical conduct and physical security of the surveillance operation is not evidence subject to subpoena or discovery under division (C) (1) of this section. 119
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(D) The flight data required and retained in accordance with this section is a public record for purposes of section 149.43 of the Revised Code, unless the content of that flight data qualifies for an exemption under that section. 125
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