

30 ENACTS:

31 **63G-18-101**, Utah Code Annotated 1953

32 **63G-18-102**, Utah Code Annotated 1953

33 **63G-18-103**, Utah Code Annotated 1953

34 **63G-18-104**, Utah Code Annotated 1953

35 **63G-18-105**, Utah Code Annotated 1953

36 **Uncodified Material Affected:**

37 ENACTS UNCODIFIED MATERIAL



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **63G-18-101** is enacted to read:

41 **CHAPTER 18. GOVERNMENT USE OF UNMANNED AERIAL VEHICLES ACT**

42 **63G-18-101. Title.**

43 This chapter is known as the "Government Use of Unmanned Aerial Vehicles Act."

44 Section 2. Section **63G-18-102** is enacted to read:

45 **63G-18-102. Definitions.**

46 As used in this chapter:

47 (1) "Law enforcement agency" means an entity of the state or an entity of a political
48 subdivision of the state, including an entity of a state institution of higher education, that exists
49 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

50 (2) "Nongovernment actor" means a person that is not:

51 (a) an agency, department, division, or other entity within state government;

52 (b) a person employed by or acting in an official capacity on behalf of the state;

53 (c) a political subdivision of the state; or

54 (d) a person employed by or acting in an official capacity on behalf of a political
55 subdivision of the state.

56 (3) "Target" means a person upon whom, or a structure or area upon which a person:

57 (a) has intentionally collected or attempted to collect information through the operation

58 of an unmanned aerial vehicle; or

59 (b) plans to collect or attempt to collect information through the operation of an
60 unmanned aerial vehicle.

61 (4) (a) "Unmanned aerial vehicle" means an aircraft that:

62 (i) is capable of sustaining flight; and

63 (ii) operates with no possible direct human intervention from on or within the aircraft.

64 (b) "Unmanned aerial vehicle" does not include an unmanned aircraft that is flown:

65 (i) within visual line of sight of the individual operating the aircraft; and

66 (ii) strictly for hobby or recreational purposes.

67 Section 3. Section **63G-18-103** is enacted to read:

68 **63G-18-103. Warrant required -- Exceptions.**

69 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
70 unmanned aerial vehicle unless the data is obtained:

71 (a) pursuant to a search warrant;

72 (b) in accordance with judicially recognized exceptions to warrant requirements; or

73 (c) subject to Subsection (2), from a person who is a nongovernment actor.

74 (2) A nongovernment actor may only disclose data acquired through an unmanned
75 aerial vehicle to a law enforcement agency if:

76 (a) the data appears to pertain to the commission of a crime; or

77 (b) the nongovernment actor believes, in good faith, that:

78 (i) the data pertains to an imminent or ongoing emergency involving danger of death or
79 serious bodily injury to an individual; and

80 (ii) disclosing the data would assist in remedying the emergency.

81 Section 4. Section **63G-18-104** is enacted to read:

82 **63G-18-104. Data retention.**

83 (1) Except as provided in this section, a law enforcement agency:

84 (a) may not use, copy, or disclose data collected by an unmanned aerial vehicle on a
85 person, structure, or area that is not a target; and

- 86 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
- 87 reasonably possible after the law enforcement agency collects or receives the data.
- 88 (2) A law enforcement agency is not required to comply with Subsection (1) if:
- 89 (a) deleting the data would also require the deletion of data that:
- 90 (i) relates to the target of the operation; and
- 91 (ii) is requisite for the success of the operation;
- 92 (b) the law enforcement agency receives the data:
- 93 (i) through a court order that:
- 94 (A) requires a person to release the data to the law enforcement agency; or
- 95 (B) prohibits the destruction of the data; or
- 96 (ii) from a person who is a nongovernment actor;
- 97 (c) (i) the data was collected inadvertently; and
- 98 (ii) the data appears to pertain to the commission of a crime;
- 99 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
- 100 emergency situation; and
- 101 (ii) using or disclosing the data would assist in remedying the emergency; or
- 102 (e) the data was collected through the operation of an unmanned aerial vehicle over
- 103 public lands outside of municipal boundaries.

104 Section 5. Section **63G-18-105** is enacted to read:

105 **63G-18-105. Reporting.**

- 106 (1) (a) Except as provided by Subsection (1)(b), before March 31 of each year, a law
- 107 enforcement agency that operated an unmanned aerial vehicle in the previous calendar year
- 108 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
- 109 agency's website, a written report containing:
- 110 (i) the number of times the law enforcement agency operated an unmanned aerial
- 111 vehicle in the previous calendar year;
- 112 (ii) the number of criminal investigations aided by the use of an unmanned aerial
- 113 vehicle operated by the law enforcement agency in the previous calendar year;

114 (iii) a description of how the unmanned aerial vehicle was helpful to each investigation
115 described in Subsection (1)(a)(ii);

116 (iv) the frequency with which data was collected, and the type of data collected, by an
117 unmanned aerial vehicle operated by the law enforcement agency on any person, structure, or
118 area other than a target in the previous calendar year;

119 (v) the number of times a law enforcement agency received, from a person who is not a
120 law enforcement agency, data collected by an unmanned aerial vehicle; and

121 (vi) the total cost of the unmanned aerial vehicle program operated by the law
122 enforcement agency in the previous calendar year.

123 (b) (i) A law enforcement agency that submits a report described in Subsection (1)(a)
124 may exclude from the report information pertaining to an ongoing investigation.

125 (ii) A law enforcement agency that excludes information under Subsection (1)(b)(i)
126 from the report shall report the excluded information to the Utah Department of Public Safety
127 on the annual report in the year following the year in which the information was excluded.

128 (2) Before May 31 of each year, the Utah Department of Public Safety shall, for all
129 reports received under Subsection (1) during the previous calendar year:

130 (a) transmit to the Government Operations Interim Committee and post on the
131 department's website a report containing:

132 (i) a summary of the information reported to the department;

133 (ii) the total number of issued warrants authorizing the operation of an unmanned aerial
134 vehicle; and

135 (iii) the number of denied warrants for the operation of an unmanned aerial vehicle;

136 and

137 (b) post on the department's website each report the department received.

138 **Section 6. Statement of intent.**

139 This chapter is intended to govern the use of an unmanned aerial vehicle by a law
140 enforcement agency. Nothing herein is intended to prohibit or impede the public and private
141 research, development, or manufacture of unmanned aerial vehicles. Unmanned aerial vehicles

142 will provide promising technological advances, which, if properly developed, will prove
143 beneficial to the health, safety, and welfare of the citizens of this state and greater society.