



General Assembly

February Session, 2014

Raised Bill No. 5217

LCO No. 1128



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING USE OF UNMANNED AIRCRAFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-34 of the general statutes is amended by adding
2 subdivision (29) as follows (*Effective October 1, 2014*):

3 (NEW) (29) "Unmanned aircraft" means an aircraft that is operated
4 without the possibility of direct human intervention from within or on
5 the aircraft.

6 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) A person is guilty of
7 criminal use of an unmanned aircraft in the first degree when such
8 person commits a crime, as defined in section 53a-24 of the general
9 statutes, and in the commission of such crime such person used an
10 unmanned aircraft, as defined in subdivision (29) of section 15-34 of
11 the general statutes, as amended by this act, that is equipped with a
12 deadly weapon, as defined in section 53a-3 of the general statutes,
13 including, but not limited to, any explosive or incendiary device, as
14 defined in section 53-206b of the general statutes, or any firearm, as
15 defined in section 53a-3 of the general statutes. No person shall be

16 convicted of criminal use of an unmanned aircraft in the first degree
17 and the underlying offense upon the same transaction but such person
18 may be charged and prosecuted for all or any such offenses upon the
19 same information.

20 (b) Criminal use of an unmanned aircraft in the first degree is a class
21 B felony.

22 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) A person is guilty of
23 criminal use of an unmanned aircraft in the second degree when such
24 person violates any provision of section 53a-181c, 53a-181d or 53a-189a
25 of the general statutes and in the commission of such crime uses an
26 unmanned aircraft, as defined in subdivision (29) of section 15-34 of
27 the general statutes, as amended by this act. No person shall be
28 convicted of criminal use of an unmanned aircraft in the second degree
29 and the underlying crime under section 53a-181c, 53a-181d or 53a-189a
30 of the general statutes upon the same transaction but such person may
31 be charged and prosecuted for all or any such crimes upon the same
32 information.

33 (b) Criminal use of an unmanned aircraft in the second degree is a
34 class C felony.

35 Sec. 4. Subdivision (8) of subsection (a) of section 54-280 of the 2014
36 supplement to the general statutes is repealed and the following is
37 substituted in lieu thereof (*Effective October 1, 2014*):

38 (8) "Offense committed with a deadly weapon" or "offense" means:
39 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
40 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
41 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
42 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
43 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
44 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
45 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
46 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-

47 217b₂ [or] 53a-217c or section 2 of this act, or a second or subsequent
48 violation of section 53-202g; or (B) a violation of any section of the
49 general statutes which constitutes a felony, as defined in section 53a-
50 25, provided the court makes a finding that, at the time of the offense,
51 the offender used a deadly weapon, or was armed with and threatened
52 the use of or displayed or represented by words or conduct that the
53 offender possessed a deadly weapon;

54 Sec. 5. (NEW) (*Effective October 1, 2014*) (a) For the purposes of this
55 section:

56 (1) "Unmanned aircraft" means an unmanned aircraft, as defined in
57 subdivision (29) of section 15-34 of the general statutes, as amended by
58 this act;

59 (2) "Law enforcement agency" means any state or municipal law
60 enforcement agency; and

61 (3) "Law enforcement officer" means any officer, employee or other
62 person otherwise paid by or acting as an agent of a law enforcement
63 agency.

64 (b) Each law enforcement officer who operates an unmanned
65 aircraft shall operate such unmanned aircraft in accordance with this
66 section, regulations and policies established by the Federal Aviation
67 Administration, and regulations adopted pursuant to section 6 of this
68 act.

69 (c) (1) Except as provided in subdivision (2) of this subsection, no
70 law enforcement officer may operate an unmanned aircraft or disclose
71 or receive information acquired through the operation of an
72 unmanned aircraft.

73 (2) (A) A law enforcement officer may operate an unmanned aircraft
74 only for a legitimate law enforcement purpose and only pursuant to a
75 warrant or pursuant to an emergency circumstance described in

76 subparagraph (D) of this subdivision;

77 (B) A law enforcement officer shall operate an unmanned aircraft in
78 a manner to collect information only on the individual, residence or
79 other area that is the subject of a warrant and to prevent the collection
80 of information on individuals, residences or other areas that are not the
81 subject of the warrant. No law enforcement officer may use a biometric
82 identifier system, as defined in section 17b-30 of the general statutes,
83 pursuant to the operation of an unmanned aircraft on an individual
84 who is not the subject of a warrant;

85 (C) A law enforcement officer may disclose or receive information
86 about an individual acquired through the operation of an unmanned
87 aircraft if such individual has given advance written consent to such
88 disclosure or receipt of information;

89 (D) A law enforcement officer may operate an unmanned aircraft
90 without first obtaining a warrant in emergency circumstances in which
91 it is reasonable to believe there is an imminent threat to the life or
92 safety of an individual, subject to the following limitations: (i) The law
93 enforcement officer shall document the factual basis for the emergency
94 circumstances, and (ii) not later than forty-eight hours after the law
95 enforcement officer begins operation of an unmanned aircraft, a
96 supervisory law enforcement officer shall file a sworn statement with
97 the appropriate court setting forth the emergency circumstances for
98 such emergency use.

99 (d) (1) Information that was collected through the operation of an
100 unmanned aircraft that concerns an individual, residence or other area
101 that was not the subject of the warrant or emergency circumstance that
102 was the basis for the operation of the unmanned aircraft may not be
103 used, copied or disclosed for any purpose. The law enforcement
104 agency that collected such information shall ensure that such
105 information is destroyed as soon as possible, but in any event, not later
106 than forty-eight hours after such information was collected.

107 (2) Whenever a law enforcement officer operates an unmanned
108 aircraft, no part of the information acquired through the operation of
109 the unmanned aircraft may be received in evidence in any trial,
110 hearing or other proceeding before any court, grand jury, department,
111 officer, agency, regulatory body, legislative committee or other
112 authority of this state or a political subdivision thereof if the disclosure
113 of such information would be in violation of this section.

114 (e) Not later than January fifteenth of each year, each law
115 enforcement agency that used unmanned aircraft in the preceding
116 calendar year shall report to the Chief State's Attorney and make
117 public on its Internet web site: (1) The number of times the agency
118 used unmanned aircraft in the preceding calendar year, specifying the
119 number of uses in criminal investigations and the number of uses for
120 other reasons; (2) a list of all occasions when an unmanned aircraft was
121 used with the following details for each use: (A) The date of use, (B)
122 the incident that gave rise to such use, (C) the location of such use, (D)
123 the reason for such use, (E) whether the unmanned aircraft was used
124 pursuant to a warrant or an emergency circumstance, (F) the type of
125 information acquired through the use of an unmanned aircraft that
126 was acquired in accordance with subsection (c) of this section, and (G)
127 the type of information acquired through the use of an unmanned
128 aircraft that was not relevant to a warrant or emergency circumstance
129 and the date and time when such information was destroyed in
130 accordance with subsection (d) of this section; and (3) the law
131 enforcement agency's total cost attributable to the use of unmanned
132 aircraft during the preceding calendar year.

133 (f) The Chief State's Attorney shall, based on the reports filed by
134 each law enforcement agency pursuant to subsection (e) of this section
135 submit a report, not later than February first of each year, in
136 accordance with section 11-4a of the general statutes, to the joint
137 standing committee of the General Assembly having cognizance of
138 matters relating to criminal law and procedure, concerning the use of
139 unmanned aircraft during the preceding calendar year. The report

140 shall include a summary and analysis of the information received from
141 law enforcement agencies pursuant to subsection (e) of this section.

142 Sec. 6. (NEW) (*Effective October 1, 2014*) The Commissioner of
143 Transportation shall adopt regulations, in accordance with chapter 54
144 of the general statutes, to regulate the operation of unmanned aircraft,
145 as defined in subdivision (29) of section 15-34 of the general statutes, as
146 amended by this act, in airspace within this state that is not part of the
147 National Airspace System and not governed by regulations concerning
148 unmanned aircraft systems adopted by the Federal Aviation
149 Administration pursuant to the FAA Modernization and Reform Act of
150 2012. The commissioner shall submit the regulations required under
151 this section to the standing legislative regulation review committee not
152 later than one hundred eighty days after the later of September 30,
153 2015, or the date such federal regulations are adopted by the Federal
154 Aviation Administration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	15-34
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	54-280(a)(8)
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>October 1, 2014</i>	New section

Statement of Purpose:

To: (1) Establish the crime of "criminal use of an unmanned aircraft", and require persons convicted of using an unmanned aircraft that is equipped with a deadly weapon to be subject to registration under the deadly weapon offender registry; (2) establish standards for the use of unmanned aircraft by law enforcement agencies; and (3) provide for regulations to be adopted concerning the use of unmanned aircraft in any state airspace that is not subject to federal regulation.