



General Assembly

**Substitute Bill No. 974**

January Session, 2015



**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING THE USE OF DRONES.**

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

1 Section 1. Subdivision (5) of section 15-34 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (5) "Aircraft" means any contrivance used or designed for  
5 navigation of or flight in air, including (A) airplanes, meaning power-  
6 driven fixed-wing aircraft, heavier than air, supported by the dynamic  
7 reaction of the air against their wings, (B) gliders, meaning heavier  
8 than air aircraft, the free flight of which does not depend principally  
9 upon a power-generating unit, and (C) rotorcraft, meaning power-  
10 driven aircraft, heavier than air, supported during flight by one or  
11 more rotors. "Aircraft" does not include unmanned aerial vehicles.

12 Sec. 2. Section 15-34 of the general statutes is amended by adding  
13 subdivision (29) as follows (*Effective October 1, 2015*):

14 (NEW) (29) "Unmanned aerial vehicle" means any contrivance used  
15 or designed for navigation of or flight in air that is power-driven and  
16 operated without the possibility of direct human intervention from  
17 within or on the contrivance.

18 Sec. 3. Subsection (a) of section 53a-189a of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2015*):

21 (a) A person is guilty of voyeurism when, (1) with malice, such  
22 person knowingly photographs, films, videotapes or otherwise records  
23 the image of another person (A) without the knowledge and consent of  
24 such other person, (B) while such other person is not in plain view, and  
25 (C) under circumstances where such other person has a reasonable  
26 expectation of privacy, or (2) with intent to arouse or satisfy the sexual  
27 desire of such person or any other person, such person knowingly  
28 photographs, films, videotapes or otherwise records the image of  
29 another person (A) without the knowledge and consent of such other  
30 person, (B) while such other person is not in plain view, and (C) under  
31 circumstances where such other person has a reasonable expectation of  
32 privacy. For purposes of this subsection, "not in plain view" includes a  
33 view not otherwise obtainable that is made possible through the use of  
34 technology that is electronic, as defined in section 1-331, or of an  
35 unmanned aerial vehicle, as defined in subdivision (29) of section 15-  
36 34, as amended by this act.

37 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise  
38 provided by law, no person shall operate or use any computer  
39 software or other technology, including, but not limited to, an  
40 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
41 of the general statutes, as amended by this act, that allows a person,  
42 when not physically present, to release tear gas or any like or similar  
43 deleterious agent or to remotely control a deadly weapon, as defined  
44 in section 53a-3 of the general statutes, or an explosive or incendiary  
45 device, as defined in section 53-206b of the general statutes.

46 (b) Any person who violates subsection (a) of this section shall be  
47 guilty of a class C felony.

48 Sec. 5. Subdivision (8) of subsection (a) of section 54-280 of the  
49 general statutes is repealed and the following is substituted in lieu

50 thereof (*Effective October 1, 2015*):

51 (8) "Offense committed with a deadly weapon" or "offense" means:  
52 (A) A violation of subsection (c) of section 2-1e, subsection (e) of  
53 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,  
54 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-  
55 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection  
56 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-  
57 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,  
58 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,  
59 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-  
60 217b or 53a-217c or section 4 of this act, or a second or subsequent  
61 violation of section 53-202g; or (B) a violation of any section of the  
62 general statutes which constitutes a felony, as defined in section 53a-  
63 25, provided the court makes a finding that, at the time of the offense,  
64 the offender used a deadly weapon, or was armed with and threatened  
65 the use of or displayed or represented by words or conduct that the  
66 offender possessed a deadly weapon;

67 Sec. 6. (NEW) (*Effective October 1, 2015*) The presence of tear gas or  
68 any like or similar deleterious agent, a deadly weapon, as defined in  
69 section 53a-3 of the general statutes, or an explosive or incendiary  
70 device, as defined in section 53-206b of the general statutes, on or in an  
71 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
72 of the general statutes, as amended by this act, may be presumptive  
73 evidence of the possession or use of the agent, weapon or device by  
74 each person operating or using such unmanned aerial vehicle.

75 Sec. 7. (NEW) (*Effective October 1, 2015*) The presence of a controlled  
76 substance, as defined in section 21a-240 of the general statutes, on or in  
77 an unmanned aerial vehicle, as defined in subdivision (29) of section  
78 15-34 of the general statutes, as amended by this act, may be  
79 presumptive evidence of the possession or use of the substance by each  
80 person operating or using such unmanned aerial vehicle.

81 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this

82 section:

83 (1) "Unmanned aerial vehicle" has the same meaning as provided in  
84 subdivision (29) of section 15-34 of the general statutes, as amended by  
85 this act;

86 (2) "Law enforcement agency" means the Division of State Police  
87 within the Department of Emergency Services and Public Protection or  
88 any municipal police department; and

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

92 (b) (1) Each law enforcement officer who operates an unmanned  
93 aerial vehicle shall operate such unmanned aerial vehicle in  
94 accordance with this section and regulations and policies established  
95 by the Federal Aviation Administration, and pursuant to a policy  
96 adopted by a law enforcement agency as required by subdivision (2) of  
97 subsection (h) of this section.

98 (2) A law enforcement officer shall not operate an unmanned aerial  
99 vehicle that is equipped with tear gas or any like or similar deleterious  
100 agent or a deadly weapon, as defined in section 53a-3 of the general  
101 statutes, including, but not limited to, any explosive or incendiary  
102 device, as defined in section 53-206b of the general statutes, or any  
103 firearm, as defined in section 53a-3 of the general statutes.

104 (c) A law enforcement officer may operate an unmanned aerial  
105 vehicle provided:

106 (1) A judge of the Superior Court or judge trial referee has issued a  
107 warrant in accordance with section 54-33a of the general statutes  
108 authorizing the use of an unmanned aerial vehicle;

109 (2) The individual who will be the subject of the information  
110 collected by the operation of an unmanned aerial vehicle has given

111 advance written consent to such operation;

112 (3) The owner of the property that will be the subject of the  
113 information collected by the operation of an unmanned aerial vehicle  
114 has given advance written consent to such operation;

115 (4) The law enforcement officer has probable cause to believe that a  
116 criminal offense has been, is being or will be committed and exigent  
117 circumstances exist that make it unreasonable for the law enforcement  
118 officer to obtain a warrant authorizing the use of an unmanned aerial  
119 vehicle;

120 (5) The law enforcement officer reasonably believes that there is an  
121 imminent threat to the life or safety of an individual;

122 (6) Such operation is pursuant to search and rescue activities  
123 conducted by the law enforcement agency;

124 (7) Such operation is pursuant to training activities conducted by  
125 the law enforcement agency; or

126 (8) Such operation is used to reconstruct or document a specific  
127 crime scene.

128 (d) An individual or privately owned property shall be considered  
129 to be the subject of information collected by the operation of an  
130 unmanned aerial vehicle if the information allows the identity of the  
131 person or the privately owned property to be ascertained or if the law  
132 enforcement officer operating the unmanned aerial vehicle  
133 acknowledges such individual or such property was the subject of the  
134 information.

135 (e) Information that was collected through the operation of an  
136 unmanned aerial vehicle that concerns an individual or privately  
137 owned property that was the subject of a warrant may be retained  
138 pursuant to the warrant.

139 (f) Information that was collected through the operation of an  
140 unmanned aerial vehicle that concerns an individual or privately  
141 owned property pursuant to subdivision (2) or (3) of subsection (c) of  
142 this section may be retained pursuant to the terms specified in such  
143 advance written consent.

144 (g) (1) Information that was collected through the operation of an  
145 unmanned aerial vehicle that concerns an individual or privately  
146 owned property pursuant to subdivisions (4) to (8), inclusive, of  
147 subsection (c) of this section shall be reviewed by the law enforcement  
148 agency that collected the information within ninety days from the date  
149 of collection. The collected information shall be destroyed or modified  
150 pursuant to subdivision (2) of this subsection or retained pursuant to  
151 subdivision (3) of this subsection.

152 (2) If such information allows the identity of an individual or  
153 privately owned property to be ascertained and there is no probable  
154 cause to believe that an offense was committed by the individual or on  
155 the property, such law enforcement agency (A) shall destroy such  
156 information within forty-eight hours after such review, or (B) shall  
157 permanently modify such information so that the identity of such  
158 individual or such property cannot be ascertained, and, after such  
159 modification, may retain the modified information for a period of not  
160 more than five years from the date of collection and, after such  
161 retention, shall destroy the modified information.

162 (3) If such information allows the identity of an individual or  
163 privately owned property to be ascertained and there is probable cause  
164 to believe that an offense was committed by the individual or on the  
165 property, such law enforcement agency may retain such information  
166 for a period of not more than five years from the date of collection and,  
167 after such retention, shall destroy such information, except that, if a  
168 warrant is issued in accordance with section 54-33a of the general  
169 statutes based in part on such information, such information may be  
170 retained pursuant to the warrant.

171 (h) (1) Not later than January 1, 2016, the Department of Emergency  
172 Services and Public Protection shall develop and promulgate a model  
173 policy that provides guidelines on the destruction, modification and  
174 retention of information collected by the operation of an unmanned  
175 aerial vehicle by a law enforcement agency.

176 (2) Each law enforcement agency that owns or authorizes a law  
177 enforcement officer to operate an unmanned aerial vehicle shall adopt  
178 and maintain a written policy that meets or exceeds the model policy  
179 developed by the Department of Emergency Services and Public  
180 Protection pursuant to subdivision (1) of this subsection regarding the  
181 destruction, modification and retention of information collected by the  
182 operation of an unmanned aerial vehicle either before taking  
183 ownership of an unmanned aerial vehicle or not later than thirty days  
184 after a law enforcement officer operates an unmanned aerial vehicle.

185 (i) Each law enforcement agency that owns an unmanned aerial  
186 vehicle shall register the unmanned aerial vehicle with the Office of  
187 Policy and Management not later than thirty days after taking  
188 ownership of the unmanned aerial vehicle. The registration shall be on  
189 a form prescribed by the Office of Policy and Management and shall  
190 include the name of the law enforcement agency, the name, job title  
191 and contact information of each law enforcement officer who is  
192 authorized to operate the unmanned aerial vehicle, and a description  
193 of the unmanned aerial vehicle, including, but not limited to, the name  
194 of the manufacturer, the model number and the serial number. The  
195 law enforcement agency shall post such registration on its Internet web  
196 site.

197 (j) Not later than January fifteenth of each year, each law  
198 enforcement agency that operated an unmanned aerial vehicle in the  
199 preceding calendar year shall report to the Chief State's Attorney: (1)  
200 The number of times the law enforcement agency operated an  
201 unmanned aerial vehicle in the preceding calendar year; (2) a list of all  
202 occasions when an unmanned aerial vehicle was operated with the  
203 following details for each operation: (A) The date, time and duration of

204 operation, (B) the location of such operation, (C) the reason for such  
205 operation, (D) whether the unmanned aerial vehicle was operated  
206 pursuant to a warrant, and (E) the number of times the type of  
207 information collected through the operation of an unmanned aerial  
208 vehicle provided reasonable and articulable suspicion that a criminal  
209 offense was being committed; and (3) the law enforcement agency's  
210 compliance with the policy adopted pursuant to subdivision (2) of  
211 subsection (h) of this section, including the number of times the law  
212 enforcement agency reviewed and destroyed information collected by  
213 the operation of an unmanned aerial vehicle and the number of times  
214 the law enforcement agency destroyed information collected by the  
215 operation of an unmanned aerial vehicle without reviewing such  
216 information.

217 (k) Not later than April fifteenth of each year, the Chief State's  
218 Attorney, based on the reports filed by law enforcement agencies  
219 pursuant to subsection (j) of this section, shall post on its Internet web  
220 site a report concerning the operation of unmanned aerial vehicles by  
221 law enforcement agencies during the preceding calendar year. The  
222 report shall include a summary and an analysis of the information  
223 received from the law enforcement agencies. The report shall also  
224 identify any law enforcement agency that registered an unmanned  
225 aerial vehicle pursuant to subsection (i) of this section or submitted a  
226 report in a previous reporting period pursuant to subsection (j) of this  
227 section, but did not submit a report for the current reporting period.

228 Sec. 9. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this  
229 section:

230 (1) "Unmanned aerial vehicle" has the same meaning as provided in  
231 subdivision (29) of section 15-34 of the general statutes, as amended by  
232 this act;

233 (2) "State agency" has the same meaning as provided in section 1-79  
234 of the general statutes, except that "state agency" does not include a  
235 law enforcement agency, as defined in section 8 of this act; and

236 (3) "State employee" means any officer, employee or other person  
237 otherwise paid by or acting as an agent of a state agency.

238 (b) Any state agency may authorize a state employee to operate an  
239 unmanned aerial vehicle, provided the operation is within the scope of  
240 the state employee's employment, and in accordance with this section  
241 and regulations and policies established by the Federal Aviation  
242 Administration.

243 (c) Each state agency that owns an unmanned aerial vehicle shall  
244 register the unmanned aerial vehicle with the Office of Policy and  
245 Management not later than thirty days after taking ownership of the  
246 unmanned aerial vehicle. The registration shall be on a form  
247 prescribed by the Office of Policy and Management and shall include  
248 the name of the state agency, the name, job title and contact  
249 information of each state employee who is authorized to operate the  
250 unmanned aerial vehicle, and a description of the unmanned aerial  
251 vehicle, including, but not limited to, the name of the manufacturer,  
252 the model number and the serial number. The state agency shall post  
253 such registration on its Internet web site.

254 (d) Not later than January fifteenth of each year, each state agency  
255 that permitted a state employee to operate an unmanned aerial vehicle  
256 in the preceding calendar year shall submit a report to the Office of  
257 Policy and Management. The report shall include a list of all occasions  
258 when an unmanned aerial vehicle was operated with the following  
259 details for each operation: (1) The date, time and duration of operation,  
260 (2) the location of such operation, and (3) the reason for such  
261 operation.

262 (e) Not later than April fifteenth of each year, the Office of Policy  
263 and Management, based on the reports filed by state agencies pursuant  
264 to subsection (d) of this section, shall post on its Internet web site a  
265 report concerning the operation of unmanned aerial vehicles by state  
266 agencies during the preceding calendar year. The report shall include a  
267 summary and an analysis of the information received from the state

268 agencies. The report shall also identify any state agency that registered  
269 an unmanned aerial vehicle pursuant to subsection (c) of this section or  
270 submitted a report in a previous reporting period pursuant to  
271 subsection (d) of this section, but did not submit a report for the  
272 current reporting period.

273 Sec. 10. Subsection (c) of section 12-455a of the general statutes is  
274 repealed and the following is substituted in lieu thereof (*Effective*  
275 *October 1, 2015*):

276 (c) "Motor vehicle" means any vehicle propelled or drawn by any  
277 power other than muscular, except aircraft, unmanned aerial vehicles,  
278 as defined in subdivision (29) of section 15-34, as amended by this act,  
279 motorboats, road rollers, baggage trucks used about railroad stations,  
280 electric battery-operated [wheel chairs] wheelchairs when operated by  
281 physically handicapped persons at speeds not exceeding fifteen miles  
282 per hour, agricultural tractors, farm implements and such vehicles as  
283 run only upon rails or tracks;

284 Sec. 11. Subdivision (53) of section 14-1 of the general statutes is  
285 repealed and the following is substituted in lieu thereof (*Effective*  
286 *October 1, 2015*):

287 (53) "Motor vehicle" means any vehicle propelled or drawn by any  
288 nonmuscular power, except aircraft, unmanned aerial vehicles, as  
289 defined in subdivision (29) of section 15-34, as amended by this act,  
290 motor boats, road rollers, baggage trucks used about railroad stations  
291 or other mass transit facilities, electric battery-operated [wheel chairs]  
292 wheelchairs when operated by physically handicapped persons at  
293 speeds not exceeding fifteen miles per hour, golf carts operated on  
294 highways solely for the purpose of crossing from one part of the golf  
295 course to another, golf-cart-type vehicles operated on roads or  
296 highways on the grounds of state institutions by state employees,  
297 agricultural tractors, farm implements, such vehicles as run only on  
298 rails or tracks, self-propelled snow plows, snow blowers and lawn  
299 mowers, when used for the purposes for which they were designed

