



General Assembly

February Session, 2016

***Raised Bill No. 5274***

LCO No. 1434



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT 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 2016 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2016*):

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, 2016*):

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 2016 supplement to  
19 the general statutes is repealed and the following is substituted in lieu  
20 thereof (*Effective October 1, 2016*):

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, (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, (3) with the intent to arouse or satisfy the sexual desire of such  
33 person, commits simple trespass, as provided in section 53a-110a, and  
34 observes, in other than a casual or cursory manner, another person (A)  
35 without the knowledge or consent of such other person, (B) while such  
36 other person is inside a dwelling, as defined in section 53a-100, and not  
37 in plain view, and (C) under circumstances where such other person  
38 has a reasonable expectation of privacy, or (4) with intent to arouse or  
39 satisfy the sexual desire of such person or any other person, such  
40 person knowingly photographs, films, videotapes or otherwise records  
41 the genitals, pubic area or buttocks of another person or the  
42 undergarments or stockings that clothe the genitals, pubic area or  
43 buttocks of another person (A) without the knowledge and consent of  
44 such other person, and (B) while such genitals, pubic area, buttocks,  
45 undergarments or stockings are not in plain view. For purposes of this  
46 subsection, "not in plain view" includes a view not otherwise  
47 obtainable that is made possible through the use of technology that is

48 electronic, as defined in section 1-331, or of an unmanned aerial  
49 vehicle, as defined in subdivision (29) of section 15-34, as amended by  
50 this act.

51 Sec. 4. (NEW) (*Effective October 1, 2016*) (a) Except as otherwise  
52 provided by law, no person shall operate or use any computer  
53 software or other technology, including, but not limited to, an  
54 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
55 of the general statutes, as amended by this act, that allows a person,  
56 when not physically present, to release tear gas or any like or similar  
57 deleterious agent or to remotely control a deadly weapon, as defined  
58 in section 53a-3 of the general statutes, or an explosive or incendiary  
59 device, as defined in section 53-206b of the general statutes.

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

62 Sec. 5. Subsection (a) of section 53a-174 of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective*  
64 *October 1, 2016*):

65 (a) Any person not authorized by law who conveys, [or] passes or  
66 releases, or causes to be conveyed, [or] passed or released, into any  
67 correctional or humane institution or the grounds or buildings thereof,  
68 or to any inmate of such an institution who is outside the premises  
69 thereof and known to the person so conveying, [or] passing or  
70 releasing or causing such conveying, [or] passing or releasing to be  
71 such an inmate, any controlled drug, as defined in section 21a-240, any  
72 intoxicating liquors, any firearm, weapon, dangerous instrument or  
73 explosive of any kind, any United States currency, or any rope, ladder  
74 or other instrument or device for use in making, attempting or aiding  
75 an escape, shall be guilty of a class D felony. The unauthorized  
76 conveying, passing or releasing or possession of any rope or ladder or  
77 other instrument or device, adapted for use in making or aiding an  
78 escape, into any such institution or the grounds or buildings thereof,

79 shall be presumptive evidence that it was so conveyed, passed,  
80 released or possessed for such use.

81 Sec. 6. Subdivision (8) of section 54-280 of the general statutes is  
82 repealed and the following is substituted in lieu thereof (*Effective*  
83 *October 1, 2016*):

84 (8) "Offense committed with a deadly weapon" or "offense" means:  
85 (A) A violation of subsection (c) of section 2-1e, subsection (e) of  
86 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,  
87 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-  
88 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection  
89 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-  
90 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,  
91 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,  
92 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-  
93 217b or 53a-217c or section 4 of this act, or a second or subsequent  
94 violation of section 53-202g; or (B) a violation of any section of the  
95 general statutes which constitutes a felony, as defined in section 53a-  
96 25, provided the court makes a finding that, at the time of the offense,  
97 the offender used a deadly weapon, or was armed with and threatened  
98 the use of or displayed or represented by words or conduct that the  
99 offender possessed a deadly weapon;

100 Sec. 7. (NEW) (*Effective October 1, 2016*) The presence of tear gas or  
101 any like or similar deleterious agent, a deadly weapon, as defined in  
102 section 53a-3 of the general statutes, or an explosive or incendiary  
103 device, as defined in section 53-206b of the general statutes, on or in an  
104 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
105 of the general statutes, as amended by this act, may be presumptive  
106 evidence of the possession or use of the agent, weapon or device by  
107 each person operating or using such unmanned aerial vehicle.

108 Sec. 8. (NEW) (*Effective October 1, 2016*) The presence of a controlled  
109 substance, as defined in section 21a-240 of the general statutes, on or in

110 an unmanned aerial vehicle, as defined in subdivision (29) of section  
111 15-34 of the general statutes, as amended by this act, may be  
112 presumptive evidence of the possession or use of the controlled  
113 substance by each person operating or using such unmanned aerial  
114 vehicle.

115 Sec. 9. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this  
116 section:

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

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

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

126 (b) A law enforcement officer may operate an unmanned aerial  
127 vehicle provided:

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

131 (2) The individual who will be the subject of the information  
132 collected by the operation of an unmanned aerial vehicle has given  
133 advance written consent to such operation;

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

137 (4) The law enforcement agency has probable cause to believe that a

138 criminal offense has been, is being or will be committed and exigent  
139 circumstances exist that make it unreasonable for the law enforcement  
140 agency to obtain a warrant authorizing the use of an unmanned aerial  
141 vehicle;

142 (5) The law enforcement agency reasonably believes that there is an  
143 imminent threat to the life or safety of an individual;

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

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

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

150 (c) An individual or privately owned property shall be considered  
151 to be the subject of information collected by the operation of an  
152 unmanned aerial vehicle if the information allows the identity of the  
153 person or the privately owned property to be ascertained or if the law  
154 enforcement officer operating the unmanned aerial vehicle  
155 acknowledges such individual or such property was the subject of the  
156 information.

157 (d) Information that was collected through the operation of an  
158 unmanned aerial vehicle that concerns an individual or privately  
159 owned property that was the subject of a warrant may be retained  
160 pursuant to the warrant.

161 (e) Information that was collected through the operation of an  
162 unmanned aerial vehicle pursuant to subdivisions (2) and (3) of  
163 subsection (b) of this section that concerns an individual or privately  
164 owned property may be retained pursuant to the terms specified in  
165 such advance written consent.

166 (f) (1) Information that was collected through the operation of an

167 unmanned aerial vehicle pursuant to subdivisions (4) to (8), inclusive,  
168 of subsection (b) of this section that concerns an individual or privately  
169 owned property shall be reviewed by the law enforcement agency that  
170 collected the information within ninety days from the date of  
171 collection. The collected information shall be destroyed or modified  
172 pursuant to subdivision (2) of this subsection or retained pursuant to  
173 subdivision (3) of this subsection.

174 (2) If such information allows the identity of an individual or  
175 privately owned property to be ascertained and there is no probable  
176 cause to believe that an offense was committed by the individual or on  
177 the property, such law enforcement agency (A) shall destroy such  
178 information within forty-eight hours after such review, or (B) shall  
179 permanently modify such information so that the identity of such  
180 individual or such property cannot be ascertained, and, after such  
181 modification, may retain the modified information for a period of not  
182 more than five years from the date of collection and, after such  
183 retention, shall destroy the modified information.

184 (3) If such information allows the identity of an individual or  
185 privately owned property to be ascertained and there is probable cause  
186 to believe that an offense was committed by the individual or on the  
187 property, such law enforcement agency may retain such information  
188 for a period of not more than five years from the date of collection and,  
189 after such retention, shall destroy such information, except that, if a  
190 warrant is issued in accordance with section 54-33a of the general  
191 statutes based in part on such information, such information may be  
192 retained pursuant to the warrant.

193 (g) (1) Not later than January 1, 2017, the Department of Emergency  
194 Services and Public Protection shall develop and promulgate a model  
195 policy that provides guidelines on the destruction, modification and  
196 retention of information collected by the operation of an unmanned  
197 aerial vehicle by a law enforcement agency.

198 (2) Each law enforcement agency that owns or authorizes a law  
199 enforcement officer to operate an unmanned aerial vehicle shall adopt  
200 and maintain a written policy that meets or exceeds the model policy  
201 developed by the Department of Emergency Services and Public  
202 Protection pursuant to subdivision (1) of this subsection regarding the  
203 destruction, modification and retention of information collected by the  
204 operation of an unmanned aerial vehicle either before taking  
205 ownership of an unmanned aerial vehicle or not later than thirty days  
206 after a law enforcement officer operates an unmanned aerial vehicle.

207 (h) Each law enforcement agency that owns an unmanned aerial  
208 vehicle shall register the unmanned aerial vehicle with the Office of  
209 Policy and Management not later than thirty days after taking  
210 ownership of the unmanned aerial vehicle. The registration shall be on  
211 a form prescribed by the Office of Policy and Management and shall  
212 include the name of the law enforcement agency, the name, job title  
213 and contact information of each law enforcement officer who is  
214 authorized to operate the unmanned aerial vehicle, and a description  
215 of the unmanned aerial vehicle, including, but not limited to, the name  
216 of the manufacturer, the model number and the serial number. The  
217 law enforcement agency shall post such registration on its Internet web  
218 site.

219 (i) Not later than January fifteenth of each year, each law  
220 enforcement agency that operated an unmanned aerial vehicle in the  
221 preceding calendar year shall report to the Chief State's Attorney: (1)  
222 The number of times the law enforcement agency operated an  
223 unmanned aerial vehicle in the preceding calendar year; (2) a list of all  
224 occasions when an unmanned aerial vehicle was operated with the  
225 following details for each operation: (A) The date, time and duration of  
226 operation, (B) the location of such operation, (C) the reason for such  
227 operation, (D) whether the unmanned aerial vehicle was operated  
228 pursuant to a warrant, and (E) the number of times the type of  
229 information collected through the operation of an unmanned aerial  
230 vehicle provided reasonable and articulable suspicion that a criminal

231 offense was being committed; and (3) the law enforcement agency's  
232 compliance with the policy adopted pursuant to subdivision (2) of  
233 subsection (g) of this section, including the number of times the law  
234 enforcement agency reviewed and destroyed information collected by  
235 the operation of an unmanned aerial vehicle and the number of times  
236 such law enforcement agency destroyed information collected by the  
237 operation of an unmanned aerial vehicle without reviewing such  
238 information.

239 (j) Not later than April fifteenth of each year, the Chief State's  
240 Attorney, based on the reports filed by law enforcement agencies  
241 pursuant to subsection (i) of this section, shall post on its Internet web  
242 site a report concerning the operation of unmanned aerial vehicles by  
243 law enforcement agencies during the preceding calendar year. The  
244 report shall include a summary and an analysis of the information  
245 received from the law enforcement agencies. The report shall also  
246 identify any law enforcement agency that registered an unmanned  
247 aerial vehicle pursuant to subsection (h) of this section or submitted a  
248 report in a previous reporting period pursuant to subsection (i) of this  
249 section, but did not submit a report for the current reporting period.

250 Sec. 10. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this  
251 section:

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

255 (2) "State agency" has the same meaning as provided in section 1-79  
256 of the general statutes, except that "state agency" does not include a  
257 law enforcement agency, as defined in section 9 of this act; and

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

260 (b) Any state agency may authorize a state employee to operate an

261 unmanned aerial vehicle, provided the operation is within the scope of  
262 the state employee's employment.

263 (c) Each state agency that owns an unmanned aerial vehicle shall  
264 register the unmanned aerial vehicle with the Office of Policy and  
265 Management not later than thirty days after taking ownership of the  
266 unmanned aerial vehicle. The registration shall be on a form  
267 prescribed by the Office of Policy and Management and shall include  
268 the name of the state agency, the name, job title and contact  
269 information of each state employee who is authorized to operate the  
270 unmanned aerial vehicle, and a description of the unmanned aerial  
271 vehicle, including, but not limited to, the name of the manufacturer,  
272 the model number and the serial number. The state agency shall post  
273 such registration on its Internet web site.

274 (d) Not later than January fifteenth of each year, each state agency  
275 that permitted a state employee to operate an unmanned aerial vehicle  
276 in the preceding calendar year shall submit a report to the Office of  
277 Policy and Management. The report shall include a list of all occasions  
278 when an unmanned aerial vehicle was operated with the following  
279 details for each operation: (1) The date, time and duration of operation,  
280 (2) the location of such operation, and (3) the reason for such  
281 operation.

282 (e) Not later than April fifteenth of each year, the Office of Policy  
283 and Management, based on the reports filed by state agencies pursuant  
284 to subsection (d) of this section, shall post on its Internet web site a  
285 report concerning the operation of unmanned aerial vehicles by state  
286 agencies during the preceding calendar year. The report shall include a  
287 summary and an analysis of the information received from the state  
288 agencies. The report shall also identify any state agency that registered  
289 an unmanned aerial vehicle pursuant to subsection (c) of this section or  
290 submitted a report in a previous reporting period pursuant to  
291 subsection (d) of this section, but did not submit a report for the  
292 current reporting period.

293 Sec. 11. Subsection (c) of section 12-455a of the general statutes is  
294 repealed and the following is substituted in lieu thereof (*Effective*  
295 *October 1, 2016*):

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

304 Sec. 12. Subdivision (54) of section 14-1 of the 2016 supplement to  
305 the general statutes is repealed and the following is substituted in lieu  
306 thereof (*Effective October 1, 2016*):

307 (54) "Motor vehicle" means any vehicle propelled or drawn by any  
308 nonmuscular power, except aircraft, unmanned aerial vehicles, as  
309 defined in subdivision (29) of section 15-34, as amended by this act,  
310 motor boats, road rollers, baggage trucks used about railroad stations  
311 or other mass transit facilities, electric battery-operated [wheel chairs]  
312 wheelchairs when operated by physically handicapped persons at  
313 speeds not exceeding fifteen miles per hour, golf carts operated on  
314 highways solely for the purpose of crossing from one part of the golf  
315 course to another, golf-cart-type vehicles operated on roads or  
316 highways on the grounds of state institutions by state employees,  
317 agricultural tractors, farm implements, such vehicles as run only on  
318 rails or tracks, self-propelled snow plows, snow blowers and lawn  
319 mowers, when used for the purposes for which they were designed  
320 and operated at speeds not exceeding four miles per hour, whether or  
321 not the operator rides on or walks behind such equipment, motor-  
322 driven cycles as defined in section 14-286, special mobile equipment as  
323 defined in section 14-165, mini-motorcycles, as defined in section 14-  
324 289j, and any other vehicle not suitable for operation on a highway;

325 Sec. 13. Subdivision (20) of section 22a-134 of the general statutes is  
326 repealed and the following is substituted in lieu thereof (*Effective*  
327 *October 1, 2016*):

328 (20) "Vehicle" means any motorized device for conveying persons or  
329 objects except for an aircraft, unmanned aerial vehicle, as defined in  
330 subdivision (29) of section 15-34, as amended by this act, boat, railroad  
331 car or engine, or farm tractor;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	15-34(5)
Sec. 2	<i>October 1, 2016</i>	15-34
Sec. 3	<i>October 1, 2016</i>	53a-189a(a)
Sec. 4	<i>October 1, 2016</i>	New section
Sec. 5	<i>October 1, 2016</i>	53a-174(a)
Sec. 6	<i>October 1, 2016</i>	54-280(8)
Sec. 7	<i>October 1, 2016</i>	New section
Sec. 8	<i>October 1, 2016</i>	New section
Sec. 9	<i>October 1, 2016</i>	New section
Sec. 10	<i>October 1, 2016</i>	New section
Sec. 11	<i>October 1, 2016</i>	12-455a(c)
Sec. 12	<i>October 1, 2016</i>	14-1(54)
Sec. 13	<i>October 1, 2016</i>	22a-134(20)

**Statement of Purpose:**

To (1) establish the crime of using computer software or technology, including a drone, which allows someone who is not physically present to release tear gas or control a deadly weapon, explosive or incendiary device, (2) limit the use of a drone by law enforcement and other state agencies, and (3) establish retention and destruction requirements for information collected by law enforcement using drones.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*