



General Assembly

Substitute Bill No. 5274

February Session, 2016

* _____HB05274PS_____031516_____*

AN ACT CONCERNING THE USE OF DRONES.

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

1 Section 1. (NEW) (*Effective August 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Law enforcement officer" means a special policeman appointed
4 under section 29-18 of the general statutes and any officer, employee or
5 agent of the Division of State Police within the Department of
6 Emergency Services and Public Protection, a special police force,
7 established pursuant to section 10a-156b of the general statutes, or a
8 municipal police department; and

9 (2) "Unmanned aerial vehicle" means any contrivance used or
10 designed for navigation of or flight in air that is power-driven and
11 operated without the possibility of direct human intervention from
12 within or on the contrivance.

13 (b) Except as otherwise provided by law, no person, other than a
14 law enforcement officer, shall operate or use any computer software or
15 other technology, including, but not limited to, an unmanned aerial
16 vehicle, that allows a person, when not physically present, to release
17 tear gas or any like or similar deleterious agent or to remotely control a
18 deadly weapon, as defined in section 53a-3 of the general statutes, or

19 an explosive or incendiary device, as defined in section 53-206b of the
20 general statutes.

21 (c) A law enforcement officer shall not operate an unmanned aerial
22 vehicle that is equipped with tear gas or any like or similar deleterious
23 agent or a deadly weapon, as defined in section 53a-3 of the general
24 statutes, including, but not limited to, any explosive or incendiary
25 device, as defined in section 53-206b of the general statutes. The
26 provisions of this subsection shall not apply to a law enforcement
27 officer who operates an unmanned aerial vehicle that is equipped with
28 explosive detection, detonation or disposal equipment, provided such
29 law enforcement officer is authorized by the federal or state
30 government to detect, detonate and dispose of explosives and is
31 engaged in such detection, detonation or disposal.

32 (d) Any person who violates subsection (b) of this section shall be
33 guilty of a class C felony.

34 Sec. 2. Subdivision (8) of subsection (a) of section 54-280 of the
35 general statutes is repealed and the following is substituted in lieu
36 thereof (*Effective August 1, 2016*):

37 (8) "Offense committed with a deadly weapon" or "offense" means:
38 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
39 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
40 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
41 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
42 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
43 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
44 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
45 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-
46 217b or 53a-217c or subsection (b) of section 1 of this act, or a second or
47 subsequent violation of section 53-202g; or (B) a violation of any
48 section of the general statutes which constitutes a felony, as defined in
49 section 53a-25, provided the court makes a finding that, at the time of
50 the offense, the offender used a deadly weapon, or was armed with

51 and threatened the use of or displayed or represented by words or
52 conduct that the offender possessed a deadly weapon;

53 Sec. 3. Subsection (a) of section 53a-189a of the 2016 supplement to
54 the general statutes is repealed and the following is substituted in lieu
55 thereof (*Effective October 1, 2016*):

56 (a) A person is guilty of voyeurism when, (1) with malice, such
57 person knowingly photographs, films, videotapes or otherwise records
58 the image of another person (A) without the knowledge and consent of
59 such other person, (B) while such other person is not in plain view, and
60 (C) under circumstances where such other person has a reasonable
61 expectation of privacy, (2) with intent to arouse or satisfy the sexual
62 desire of such person or any other person, such person knowingly
63 photographs, films, videotapes or otherwise records the image of
64 another person (A) without the knowledge and consent of such other
65 person, (B) while such other person is not in plain view, and (C) under
66 circumstances where such other person has a reasonable expectation of
67 privacy, (3) with the intent to arouse or satisfy the sexual desire of such
68 person, commits simple trespass, as provided in section 53a-110a, and
69 observes, in other than a casual or cursory manner, another person (A)
70 without the knowledge or consent of such other person, (B) while such
71 other person is inside a dwelling, as defined in section 53a-100, and not
72 in plain view, and (C) under circumstances where such other person
73 has a reasonable expectation of privacy, or (4) with intent to arouse or
74 satisfy the sexual desire of such person or any other person, such
75 person knowingly photographs, films, videotapes or otherwise records
76 the genitals, pubic area or buttocks of another person or the
77 undergarments or stockings that clothe the genitals, pubic area or
78 buttocks of another person (A) without the knowledge and consent of
79 such other person, and (B) while such genitals, pubic area, buttocks,
80 undergarments or stockings are not in plain view. For purposes of this
81 subsection, "not in plain view" includes a view not otherwise
82 obtainable that is made possible through the use of technology that is
83 electronic, as defined in section 1-331, or of an unmanned aerial

84 vehicle, and "unmanned aerial vehicle" means any contrivance used or
85 designed for navigation of or flight in air that is power-driven and
86 operated without the possibility of direct human intervention from
87 within or on the contrivance.

88 Sec. 4. Subsection (a) of section 53a-174 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2016*):

91 (a) (1) Any person not authorized by law who conveys or passes, or
92 causes to be conveyed or passed, into any correctional or humane
93 institution or the grounds or buildings thereof, or to any inmate of
94 such an institution who is outside the premises thereof and known to
95 the person so conveying or passing or causing such conveying or
96 passing to be such an inmate, any controlled drug, as defined in
97 section 21a-240, any intoxicating liquors, any firearm, weapon,
98 dangerous instrument or explosive of any kind, any United States
99 currency, or any rope, ladder or other instrument or device for use in
100 making, attempting or aiding an escape, shall be guilty of a class D
101 felony. The unauthorized conveying, passing or possession of any rope
102 or ladder or other instrument or device, adapted for use in making or
103 aiding an escape, into any such institution or the grounds or buildings
104 thereof, shall be presumptive evidence that it was so conveyed, passed
105 or possessed for such use.

106 (2) Any person not authorized by law who operates an unmanned
107 aerial vehicle to convey or pass, or cause to be conveyed or passed,
108 into any correctional or humane institution or the grounds or buildings
109 thereof, or to any inmate of such an institution who is outside the
110 premises thereof and known to the person so conveying or passing or
111 causing such conveying or passing to be such an inmate, any firearm,
112 weapon, dangerous instrument or explosive of any kind, shall be
113 guilty of a class B felony. For the purposes of this subsection,
114 "unmanned aerial vehicle" means any contrivance used or designed for
115 navigation of or flight in air that is power-driven and operated without
116 the possibility of direct human intervention from within or on the

117 contrivance.

118 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this
119 section:

120 (1) "Unmanned aerial vehicle" means any contrivance used or
121 designed for navigation of or flight in air that is power-driven and
122 operated without the possibility of direct human intervention from
123 within or on the contrivance;

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

127 (3) "Law enforcement officer" means any officer, employee or agent
128 of a law enforcement agency.

129 (b) A law enforcement officer may operate an unmanned aerial
130 vehicle provided:

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

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

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

140 (4) The law enforcement agency has probable cause to believe that a
141 criminal offense has been, is being or will be committed and exigent
142 circumstances exist that make it unreasonable for the law enforcement
143 agency to obtain a warrant authorizing the use of an unmanned aerial
144 vehicle;

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

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

149 (7) Such operation is pursuant to training activities conducted by
150 the law enforcement agency;

151 (8) Such operation is used to reconstruct or document a specific
152 crime or accident scene; or

153 (9) Such operation is pursuant to patrolling public property or
154 property available for the use of the general public for any special
155 event of limited duration, including, but not limited to, a parade,
156 exhibition, game or tournament.

157 (c) An individual or privately owned property shall be considered
158 to be the subject of information collected by the operation of an
159 unmanned aerial vehicle if the information allows the identity of the
160 person or the privately owned property to be ascertained or if the law
161 enforcement officer operating the unmanned aerial vehicle
162 acknowledges such individual or such property was the subject of the
163 information.

164 (d) Information that was collected through the operation of an
165 unmanned aerial vehicle that concerns an individual or privately
166 owned property that was the subject of a warrant may be retained
167 pursuant to the warrant.

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

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

174 unmanned aerial vehicle pursuant to subdivisions (4) to (9), inclusive,
175 of subsection (b) of this section that concerns an individual or privately
176 owned property shall be reviewed by the law enforcement agency that
177 collected the information within ninety days from the date of
178 collection. The collected information shall be destroyed or modified
179 pursuant to subdivision (2) of this subsection or retained pursuant to
180 subdivision (3) of this subsection.

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

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

200 (g) (1) Not later than January 1, 2017, the Police Officer Standards
201 and Training Council shall develop and promulgate a model policy
202 that provides guidelines on the operation of an unmanned aerial
203 vehicle by a law enforcement agency and the destruction, modification
204 and retention of information collected by such operation.

205 (2) Each law enforcement agency that owns an unmanned aerial

206 vehicle or authorizes a law enforcement officer to operate an
207 unmanned aerial vehicle shall adopt and maintain a written policy that
208 meets or exceeds the model policy developed by the Police Officer
209 Standards and Training Council pursuant to subdivision (1) of this
210 subsection before taking ownership of an unmanned aerial vehicle or
211 not later than thirty days after a law enforcement officer operates an
212 unmanned aerial vehicle.

213 (h) Not later than January thirty-first of each year, each law
214 enforcement agency that operated an unmanned aerial vehicle in the
215 preceding calendar year shall prepare a report that includes, but need
216 not be limited to: (1) The number of times the law enforcement agency
217 operated an unmanned aerial vehicle in the preceding calendar year,
218 (2) the type of such operation as categorized in the policy adopted
219 pursuant to subdivision (2) of subsection (g) of this section, (3) whether
220 the unmanned aerial vehicle was operated pursuant to a warrant, and
221 (4) the number of times the type of information collected through the
222 operation of an unmanned aerial vehicle provided reasonable and
223 articulable suspicion that a criminal offense was being committed. The
224 law enforcement agency shall make such report available on the law
225 enforcement agency's Internet web site or the Internet web site of the
226 municipality served by the law enforcement agency.

227 Sec. 6. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this
228 section:

229 (1) "Unmanned aerial vehicle" has the same meaning as provided in
230 section 5 of this act;

231 (2) "State agency" has the same meaning as provided in section 1-79
232 of the general statutes, except that "state agency" does not include a
233 law enforcement agency, as defined in section 5 of this act; and

234 (3) "State employee" means any officer, employee or agent of a state
235 agency.

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

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

239 (c) Not later than July thirty-first of each year, each state agency that
240 permitted a state employee to operate an unmanned aerial vehicle in
241 the preceding twelve months shall submit a report to the Office of
242 Policy and Management. The report shall include a list of all occasions
243 when an unmanned aerial vehicle was operated with the following
244 details for each operation: (1) The date, time and duration of operation,
245 (2) the location of such operation, and (3) the reason for such
246 operation.

247 (d) Not later than October thirty-first of each year, the Office of
248 Policy and Management, based on the reports filed by state agencies
249 pursuant to subsection (c) of this section, shall post on its Internet web
250 site a report concerning the operation of unmanned aerial vehicles by
251 state agencies. The report shall include a summary of the information
252 received from the state agencies and identify any state agency that
253 submitted a report in a previous reporting period pursuant to
254 subsection (c) of this section, but did not submit a report for the
255 current reporting period.

256 Sec. 7. (NEW) (*Effective from passage*) (a) For the purposes of this
257 section, (1) "unmanned aerial vehicle" means any contrivance used or
258 designed for navigation of or flight in air that is power-driven and
259 operated without the possibility of direct human intervention from
260 within or on the contrivance, and (2) "municipality" has the same
261 meaning as provided in subsection (e) of section 7-101a of the general
262 statutes.

263 (b) Except as otherwise provided by any federal law or state statute,
264 no municipality shall enact any ordinance that regulates, restricts,
265 prohibits, licenses or affects the ownership, possession, operation,
266 purchase or sale of an unmanned aerial vehicle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>August 1, 2016</i>	New section
Sec. 2	<i>August 1, 2016</i>	54-280(a)(8)
Sec. 3	<i>October 1, 2016</i>	53a-189a(a)
Sec. 4	<i>October 1, 2016</i>	53a-174(a)
Sec. 5	<i>October 1, 2016</i>	New section
Sec. 6	<i>October 1, 2016</i>	New section
Sec. 7	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 5(g)(2), "an unmanned aerial vehicle" was inserted after "owns" for clarity.

PS *Joint Favorable Subst.*