



General Assembly

Amendment

February Session, 2016

LCO No. 5515



Offered by:

REP. DARGAN, 115th Dist.

REP. CARPINO, 32nd Dist.

REP. ZUPKUS, 89th Dist.

REP. TONG, 147th Dist.

REP. MUSHINSKY, 85th Dist.

REP. REBIMBAS, 70th Dist.

To: Subst. House Bill No. 5274

File No. 337

Cal. No. 231

"AN ACT CONCERNING THE USE OF DRONES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

5 (1) "Law enforcement agency" means the Division of State Police
6 within the Department of Emergency Services and Public Protection,
7 the Office of State Capitol Police, the special police forces established
8 pursuant to section 10a-156b of the general statutes, or any municipal
9 police department;

10 (2) "Law enforcement officer" means any officer, employee or agent
11 of a law enforcement agency, or a special policeman appointed under
12 section 29-18 of the general statutes; and

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

17 (b) Except as otherwise provided by law, no person shall operate an
18 unmanned aerial vehicle that is equipped with tear gas or any like or
19 similar deleterious agent, a deadly weapon, as defined in section 53a-3
20 of the general statutes, or an explosive or incendiary device, as defined
21 in section 53-206b of the general statutes.

22 (c) The provisions of subsection (b) of this section shall not apply to
23 a law enforcement officer who operates an unmanned aerial vehicle
24 that is equipped with explosive detection, detonation or disposal
25 equipment, provided such officer is authorized by the federal or state
26 government to detect, detonate and dispose of explosives and is
27 engaged in such detection, detonation or disposal.

28 (d) Any person who violates this section shall be guilty of a class C
29 felony.

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31 general statutes is repealed and the following is substituted in lieu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

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

45 25, provided the court makes a finding that, at the time of the offense,
46 the offender used a deadly weapon, or was armed with and threatened
47 the use of or displayed or represented by words or conduct that the
48 offender possessed a deadly weapon;

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

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

79 aerial vehicle, and "unmanned aerial vehicle" has the same meaning as
80 provided in section 1 of this act.

81 Sec. 4. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this
82 section, "unmanned aerial vehicle" means any contrivance used or
83 designed for navigation of or flight in air that is power-driven and
84 operated without the possibility of direct human intervention from
85 within or on the contrivance.

86 (b) Except as otherwise provided by law, no person shall knowingly
87 cause an unmanned aerial vehicle to land upon or take off from the
88 grounds of a correctional institution.

89 (c) Any person who violates this section shall be guilty of a class E
90 felony.

91 Sec. 5. (NEW) (*Effective July 1, 2018*) (a) For the purposes of this
92 section:

93 (1) "Law enforcement agency" means the Division of State Police
94 within the Department of Emergency Services and Public Protection,
95 the Office of State Capitol Police, the special police forces established
96 pursuant to section 10a-156b of the general statutes, or any municipal
97 police department;

98 (2) "Law enforcement officer" means any officer, employee or agent
99 of a law enforcement agency, or a special policeman appointed under
100 section 29-18 of the general statutes; and

101 (3) "Unmanned aerial vehicle" means any contrivance used or
102 designed for navigation of or flight in air that is power-driven and
103 operated without the possibility of direct human intervention from
104 within or on the contrivance.

105 (b) A law enforcement officer may operate an unmanned aerial
106 vehicle provided:

107 (1) A judge of the Superior Court or judge trial referee has issued a

108 warrant in accordance with section 54-33a of the general statutes
109 authorizing the use of an unmanned aerial vehicle;

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

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

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

121 (5) Such operation is pursuant to training activities conducted by
122 the law enforcement agency while on land owned or leased by the
123 federal or state government and does not occur over an area that is
124 substantially populated; or

125 (6) Such operation is used to reconstruct or document a specific
126 crime or accident scene.

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

134 Sec. 6. (*Effective from passage*) Not later than January 1, 2018, the
135 Commissioner of Emergency Services and Public Protection, the Police
136 Officer Standards and Training Council and the Chief State's Attorney
137 shall submit a report, in accordance with the provisions of section 11-

138 4a of the general statutes, to the joint standing committee of the
 139 General Assembly having cognizance of matters relating to public
 140 safety and security. Such report shall include their recommendations
 141 for administrative policies and legislation necessary to establish
 142 requirements for the retention, modification or destruction of
 143 information collected by a law enforcement officer by the operation of
 144 an unmanned aerial vehicle pursuant to (1) a warrant, issued in
 145 accordance with section 54-33a of the general statutes, (2) the advance
 146 written consent of the individual who will be the subject of the
 147 information collected by such operation, (3) the advance written
 148 consent of the owner of the property that will be the subject of the
 149 information collected by such operation, (4) a determination that
 150 probable cause that a criminal offense has been, is being or will be
 151 committed and exigent circumstances exist, (5) training activities, and
 152 (6) the reconstruction or documentation of a specific crime or accident
 153 scene."

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| 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> | New section |
| Sec. 5 | <i>July 1, 2018</i> | New section |
| Sec. 6 | <i>from passage</i> | New section |