

Testimony of Peter Sachs, Esq.
in support of HB-6195, in place of HB-7260

My name is Peter Sachs, and I am the author and publisher of Drone Law Journal, an online repository of federal drone law. I am also a nationally-known drone attorney and a drone advocate. This is my third year working with the Connecticut Legislature in an attempt to draft and pass valid and appropriate regulations regarding unmanned aerial vehicles.

Given my extensive knowledge of the law as it pertains to unmanned aerial vehicles, in December I drafted a new, comprehensive and easy-to-understand bill, which was co-introduced in January as HB-6195 by Representative Camillo and Senator Kennedy. That bill was referred to this Committee. I am unsure of what, if any action took place with that bill, but last week this Committee introduced HB-7260 in its place. A copy of my proposed bill is attached hereto for your reference and review.

Although I do not have any particular objection to HB-7260 — essentially a combination of the language found in both of last year's HB-5274 and SB-148 — it is nowhere near as comprehensive as it should be. While its language does address some concerns and issues related to unmanned aerial vehicles, it fails to address several other significant concerns and issues entirely. On the other hand, the language of HB-6195 addresses all current and future concerns and issues comprehensively, and includes all of what HB-7620 proposes.

Much has transpired in the “drone world” since this legislative body last visited the regulation of unmanned aerial vehicles. In August of last year, the FAA issued its Final Rule entitled, “Operation and Certification of Small Unmanned Aircraft Systems.” With it, the FAA has regulated another type of aircraft — unmanned aircraft. Although HB-7260, as drafted, does not conflict with the new federal rules, it fails to address the specific areas in which the State and municipalities may and should regulate with respect to unmanned aerial aircraft.

In a nutshell, HB-7260 creates a new crime that prohibits weaponization; creates two new degrees of crimes for reckless endangerment committed with a drone; amends our existing video voyeurism statute to include voyeurism committed with a drone; creates a new crime

that prohibits the conveyance of contraband into correctional or humane institutions; and creates a law enforcement warrant requirement.

However, HB-7620 fails to require drone operators and pilots to adhere to federal aviation statutes and regulations; contains no provision for tortious invasion of privacy; neglects to clarify that all existing and future criminal statutes apply if criminal conduct is committed with an unmanned aerial vehicle; contains no prohibition against persons interfering with unmanned aerial vehicles or interfering with those who are operating them; does not recognize the federal government’s sole and exclusive jurisdiction over airmen, airspace and aircraft and its deference to states with respect to the specific areas in which states may regulate; it does not create state preemption over attempted regulation of unmanned aerial vehicles by municipalities, thereby allowing for a non-uniform scheme of regulation statewide caused by different interpretations of the law from municipality to municipality.

The following chart compares the proposed provisions of HB-6195 and the proposed provisions of HB-7260:

Issue	Under HB-6195	Under HB-7260
Prohibits Weaponization of an unmanned aerial vehicle.	Creates a new crime, without a law enforcement exception.	Creates a new crime, with a law enforcement exception for explosive detection, detonation and disposal.
Reckless endangerment with an unmanned aerial vehicle.	Included without the need to create two new crimes, since it prohibits the furtherance of <u>any</u> crime included within Titles 53 or Title 53a of the general statutes.	Creates two new crimes: Reckless endangerment with an unmanned aerial vehicle in the first and second degree.
Prohibits Video Voyeurism.	Included without any amendment needed, since it prohibits the furtherance of <u>any</u> crime included within Titles 53 or Title 53a of the general statutes.	Amends our existing video voyeurism statute to include the forbidden conduct when performed with an unmanned aerial vehicle.
Prohibits Conveying Contraband into Correctional or Humane Institutions.	Included without the need to create a new crime, since it prohibits the furtherance of <u>any</u> crime included within Titles 53 or Title 53a of the general statutes.	Creates a new crime that outlaws conveying or passing any contraband into a correctional or humane institution when performed with a drone.

Law Enforcement Warrant Requirement.	Creates a warrant requirement for law enforcement drone use.	Creates a warrant requirement for law enforcement drone use.
Requires adherence to all Federal Aviation Statutes and Regulations.	Prohibits any conduct that is prohibited by Federal Aviation statutes and regulations.	No provision.
Forbids Tortious Invasion of Privacy with an Unmanned Aerial Vehicle.	Prohibits any conduct that would meet all of the elements of a cause of action for tortious invasion of privacy.	No provision.
Forbids All Existing and Future Crimes if Committed with an Unmanned Aerial Vehicle.	Prohibits any conduct that would be in furtherance of any existing crime found within Titles 53 or Title 53a of the General Statutes.	No provision.
Protects Unmanned Aerial Vehicles.	Creates a new crime that prohibits damaging, destroying, disabling or wrecking any unmanned aerial vehicle, or any attempt to do so.	No provision.
Protects Persons Operating Unmanned Aerial Vehicles.	Creates a new crime that prohibits the interference with any person operating or assisting with the operation of an unmanned aerial vehicle in any manner that might affect the safety of such unmanned aerial vehicle operation.	No provision.
Recognizes Sole and Exclusive Federal Jurisdiction with Respect to Regulation of Airmen, Airspace and Aircraft.	Clarifies that the State defers to the exclusive jurisdiction of the federal government to regulate: (1) airspace; (2) the operation of unmanned aerial vehicles within airspace; (3) the training or certification of operators or pilots of unmanned aerial vehicles; (4) the design, manufacturing, or technological requirements of unmanned aerial vehicles; or (5) the registration of unmanned aerial vehicles.	No provision.
Preempts Municipal Regulation of Unmanned Aerial Vehicles in areas where they are preempted from doing so.	No municipality or state agency may enact or adopt any ordinance, policy or rule that regulates, restricts, prohibits, permits, licenses or affects the	No provision.

	<p>ownership, possession, operation, purchase, or sale of an unmanned aerial vehicle. Any such ordinance, policy or rule, whether enacted or adopted by the city, town, county or agency before or after the effective date of this section, is void.</p>	
<p>Preserves State, Municipal and Agency Rights to Regulate in areas where they are not preempted from doing so.</p>	<p>Ensures that the State, any municipality or state agency may enact or adopting statutes, ordinances, policies or rules pursuant to its authority over land use and zoning, and which regulate the takeoff, landing or operation of an unmanned aerial vehicle upon or from any lands or waters owned or controlled by the State, municipality or state agency; or that are within its general police powers, and that prohibit certain conduct without regard to the object or technology used in furtherance of such conduct.</p>	<p>No provision.</p>
<p>Recognizes and Guarantee the First Amendment's Right to Freedom of Expression.</p>	<p>Prohibits the infringement upon the right of any person to use an unmanned aerial vehicle to obtain imagery of any individual who, or any property that is visible in plain sight as viewed by the unmanned aerial vehicle, provided that no reasonable expectation of privacy exists, and the unmanned aerial vehicle is operated in an aerial location permitted by applicable federal statutes, regulations and authorizations.</p>	<p>No provision.</p>

As the comparison above makes clear, the bill I had drafted is far more comprehensive than the one being considered here today. I think it would behoove this Committee to review HB-6195 carefully, compare its provisions to that which is being proposed in HB-7260 and determine whether the limited regulation offered by HB-7260 or the comprehensive and forward-looking regulations proposed in HB-6195 would be more appropriate. I would

strongly urge you to consider the language I drafted in HB-6195 in place of the bill before you today.

I thank you for the opportunity to speak this morning, and I will be happy to answer any questions.

Respectfully Submitted:

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