AN ACT CONCERNING THE USE AND REGULATION OF DRONES.

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

Section 1. (NEW) (Effective October 1, 2017) (a) For the purposes of this section and sections 2 and 3 of this act:

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

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

Sec. 2. (NEW) (Effective October 1, 2017) (a) Except as provided in sections 3 and 10 of this act or otherwise provided by law, no person,
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15 except a person performing his or her duties as a law enforcement
16 officer, shall operate or use any computer software or other
17 technology, including, but not limited to, an unmanned aerial vehicle,
18 that allows a person, when not physically present, to release tear gas or
19 any like or similar deleterious agent or to remotely control a deadly
20 weapon, as defined in section 53a-3 of the general statutes, or an
21 explosive or incendiary device, as defined in section 53-206b of the
22 general statutes.

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

Sec. 3. (NEW) (Effective October 1, 2017) (a) No person who, as part of
25 his or her duties as a law enforcement officer, operates an unmanned
26 aerial vehicle, shall operate any such vehicle if such vehicle is
27 equipped with tear gas or any like or similar deleterious agent or a
28 deadly weapon, as defined in section 53a-3 of the general statutes,
29 including, but not limited to, any explosive or incendiary device, as
30 defined in section 53-206b of the general statutes. The provisions of
31 this subsection shall not apply to a person who, as part of his or her
32 duties as a law enforcement officer, operates an unmanned aerial
33 vehicle that is equipped with explosive detection, detonation or
34 disposal equipment, provided such law enforcement officer is
35 authorized by the federal or state government to detect, detonate and
36 dispose of explosives and is engaged in such detection, detonation or
37 disposal.

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

Sec. 4. (NEW) (Effective October 1, 2017) (a) A person is guilty of
40 reckless endangerment with an unmanned aerial vehicle in the first
41 degree when, with extreme indifference to human life, such person
42 recklessly collides an unmanned aerial vehicle into an aircraft or a
43 motor vehicle, creating a risk of serious physical injury to another
person. For purposes of this section, "recklessly" and "serious physical injury" have the same meanings as provided in section 53a-3 of the general statutes, "unmanned aerial vehicle" has the same meaning as provided in section 1 of this act, "aircraft" has the same meaning as provided in section 15-34 of the general statutes, as amended by this act, and "motor vehicle" means a passenger or commercial motor vehicle or a motorcycle, as defined in section 14-1 of the general statutes, and includes construction equipment, agricultural tractors and farm implements.

(b) Reckless endangerment in the first degree is a class A misdemeanor.

Sec. 5. (NEW) (Effective October 1, 2017) (a) A person is guilty of reckless endangerment with an unmanned aerial vehicle in the second degree when such person recklessly collides an unmanned aerial vehicle into an aircraft or a motor vehicle, which creates a risk of physical injury to another person. For purposes of this section, "recklessly" and "physical injury" have the same meanings as provided in section 53a-3 of the general statutes, "unmanned aerial vehicle" has the same meaning as provided in section 1 of this act, "aircraft" has the same meaning as provided in section 15-34 of the general statutes, as amended by this act, and "motor vehicle" means a passenger or commercial motor vehicle or a motorcycle, as defined in section 14-1 of the general statutes, and includes construction equipment, agricultural tractors and farm implements.

(b) Reckless endangerment in the second degree is a class B misdemeanor.

Sec. 6. Subdivision (5) of section 15-34 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(5) "Aircraft" means any contrivance used or designed for navigation of or flight in air, including (A) airplanes, meaning power-
driven fixed-wing aircraft, heavier than air, supported by the dynamic
reaction of the air against their wings, (B) gliders, meaning heavier
than air aircraft, the free flight of which does not depend principally
upon a power-generating unit, and (C) rotorcraft, meaning power-
driven aircraft, heavier than air, supported during flight by one or
more rotors. "Aircraft" does not include unmanned aerial vehicles, as
defined in section 1 of this act.

Sec. 7. Subsection (a) of section 53a-189a of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2017):

(a) A person is guilty of voyeurism when, (1) with malice, such
person knowingly photographs, films, videotapes or otherwise records
the image of another person (A) without the knowledge and consent of
such other person, (B) while such other person is not in plain view, and
(C) under circumstances where such other person has a reasonable
expectation of privacy, (2) with intent to arouse or satisfy the sexual
desire of such person or any other person, such person knowingly
photographs, films, videotapes or otherwise records the image of
another person (A) without the knowledge and consent of such other
person, (B) while such other person is not in plain view, and (C) under
circumstances where such other person has a reasonable expectation of
privacy, (3) with the intent to arouse or satisfy the sexual desire of such
person, commits simple trespass, as provided in section 53a-110a, and
observes, in other than a casual or cursory manner, another person (A)
without the knowledge or consent of such other person, (B) while such
other person is inside a dwelling, as defined in section 53a-100, and not
in plain view, and (C) under circumstances where such other person
has a reasonable expectation of privacy, or (4) with intent to arouse or
satisfy the sexual desire of such person or any other person, such
person knowingly photographs, films, videotapes or otherwise records
the genitals, pubic area or buttocks of another person or the
undergarments or stockings that clothe the genitals, pubic area or
buttocks of another person (A) without the knowledge and consent of
such other person, and (B) while such genitals, pubic area, buttocks, undergarments or stockings are not in plain view. For purposes of this subsection, "not in plain view" includes a view not otherwise obtainable that is made possible through the use of technology that is electronic, as defined in section 1-331, or of an unmanned aerial vehicle, as defined in section 1 of this act.

Sec. 8. Subsection (a) of section 53a-174 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

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

(2) Any person not authorized by law who operates an unmanned aerial vehicle, as defined in section 1 of this act, to convey or pass, or cause to be conveyed or passed, into any correctional or humane institution or the grounds or buildings thereof, or to any inmate of such an institution who is outside the premises thereof and known to the person so conveying or passing or causing such conveying or passing to be such an inmate, any firearm, weapon, dangerous instrument or explosive of any kind, shall be guilty of a class B felony.
Sec. 9. Subdivision (8) of subsection (a) of section 54-280 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(8) "Offense committed with a deadly weapon" or "offense" means:
(A) A violation of subsection (c) of section 2-1e, subsection (e) of section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33, section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8, section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a, 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-217b or 53a-217c or section 2 or 3 of this act, or a second or subsequent violation of section 53-202g; or (B) a violation of any section of the general statutes which constitutes a felony, as defined in section 53a-25, provided the court makes a finding that, at the time of the offense, the offender used a deadly weapon, or was armed with and threatened the use of or displayed or represented by words or conduct that the offender possessed a deadly weapon;

Sec. 10. (NEW) (Effective October 1, 2017) (a) For the purposes of this section:

(1) "Unmanned aerial vehicle" means unmanned aerial vehicle, as defined in section 1 of this act;

(2) "Law enforcement officer" means law enforcement officer, as defined in section 1 of this act; and

(3) "Law enforcement agency" means the special police appointed under section 29-18 of the general statutes, the Division of State Police within the Department of Emergency Services and Public Protection, the special police forces established pursuant to section 10a-156b of the general statutes, or any municipal police department.
(b) No law enforcement officer shall operate an unmanned aerial vehicle, unless:

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

(2) The individual who will be the subject of the information collected by the operation of an unmanned aerial vehicle has given advance written consent to such operation, provided such individual is on property that is not owned or operated by a governmental entity that is open for public use, including, but not limited to, parks, streets or sidewalks;

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

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

(5) The operation is pursuant to training activities conducted by the law enforcement officer while on land owned or leased by the federal or state government and does not occur in an area that is substantially populated; or

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

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

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

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

(f) (1) Information that was collected through the operation of an
unmanned aerial vehicle pursuant to subdivision (4), (5) or (6) of
subsection (b) of this section that concerns an individual or privately
owned property shall be reviewed by the law enforcement agency that
collected the information not later than ninety days from the date of
collection. The collected information shall be destroyed or modified
pursuant to subdivision (2) of this subsection or retained pursuant to
subdivision (3) of this subsection.

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

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

(4) No information subject to the provisions of this subsection that is
not destroyed, modified or retained in accordance with subdivision (2)
or (3) of this subsection, shall be admitted into evidence or otherwise
considered by any court or agency, body or committee of this state or
any political subdivision thereof.

(g) (1) Not later than January 1, 2018, the Police Officer Standards
and Training Council shall develop and promulgate a model policy
that provides guidelines on the operation of an unmanned aerial
vehicle by a law enforcement officer and the destruction, modification
and retention of information collected by such operation.

(2) Each law enforcement agency that possesses for operation an
unmanned aerial vehicle or authorizes a law enforcement officer to
operate an unmanned aerial vehicle shall adopt and maintain a written
policy that meets or exceeds the model policy developed by the Police
Officer Standards and Training Council pursuant to subdivision (1) of
this subsection before taking possession of an unmanned aerial vehicle
or not later than thirty days after a law enforcement officer operates an
unmanned aerial vehicle.

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

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**Statement of Purpose:**
To regulate the use of 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.]