



General Assembly

January Session, 2017

Raised Bill No. 7260

LCO No. 5107



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE USE AND REGULATION OF DRONES.

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

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

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 Sec. 2. (NEW) (*Effective October 1, 2017*) (a) Except as provided in
14 sections 3 and 10 of this act or otherwise provided by law, no person,

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.

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

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

41 Sec. 4. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of
42 reckless endangerment with an unmanned aerial vehicle in the first
43 degree when, with extreme indifference to human life, such person
44 recklessly collides an unmanned aerial vehicle into an aircraft or a
45 motor vehicle, creating a risk of serious physical injury to another

46 person. For purposes of this section, "recklessly" and "serious physical
47 injury" have the same meanings as provided in section 53a-3 of the
48 general statutes, "unmanned aerial vehicle" has the same meaning as
49 provided in section 1 of this act, "aircraft" has the same meaning as
50 provided in section 15-34 of the general statutes, as amended by this
51 act, and "motor vehicle" means a passenger or commercial motor
52 vehicle or a motorcycle, as defined in section 14-1 of the general
53 statutes, and includes construction equipment, agricultural tractors
54 and farm implements.

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

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

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

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

75 (5) "Aircraft" means any contrivance used or designed for
76 navigation of or flight in air, including (A) airplanes, meaning power-

77 driven fixed-wing aircraft, heavier than air, supported by the dynamic
78 reaction of the air against their wings, (B) gliders, meaning heavier
79 than air aircraft, the free flight of which does not depend principally
80 upon a power-generating unit, and (C) rotorcraft, meaning power-
81 driven aircraft, heavier than air, supported during flight by one or
82 more rotors. "Aircraft" does not include unmanned aerial vehicles, as
83 defined in section 1 of this act.

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

87 (a) A person is guilty of voyeurism when, (1) with malice, such
88 person knowingly photographs, films, videotapes or otherwise records
89 the image of another person (A) without the knowledge and consent of
90 such other person, (B) while such other person is not in plain view, and
91 (C) under circumstances where such other person has a reasonable
92 expectation of privacy, (2) with intent to arouse or satisfy the sexual
93 desire of such person or any other person, such person knowingly
94 photographs, films, videotapes or otherwise records the image of
95 another person (A) without the knowledge and consent of such other
96 person, (B) while such other person is not in plain view, and (C) under
97 circumstances where such other person has a reasonable expectation of
98 privacy, (3) with the intent to arouse or satisfy the sexual desire of such
99 person, commits simple trespass, as provided in section 53a-110a, and
100 observes, in other than a casual or cursory manner, another person (A)
101 without the knowledge or consent of such other person, (B) while such
102 other person is inside a dwelling, as defined in section 53a-100, and not
103 in plain view, and (C) under circumstances where such other person
104 has a reasonable expectation of privacy, or (4) with intent to arouse or
105 satisfy the sexual desire of such person or any other person, such
106 person knowingly photographs, films, videotapes or otherwise records
107 the genitals, pubic area or buttocks of another person or the
108 undergarments or stockings that clothe the genitals, pubic area or
109 buttocks of another person (A) without the knowledge and consent of

110 such other person, and (B) while such genitals, pubic area, buttocks,
111 undergarments or stockings are not in plain view. For purposes of this
112 subsection, "not in plain view" includes a view not otherwise
113 obtainable that is made possible through the use of technology that is
114 electronic, as defined in section 1-331, or of an unmanned aerial
115 vehicle, as defined in section 1 of this act.

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

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

134 (2) Any person not authorized by law who operates an unmanned
135 aerial vehicle, as defined in section 1 of this act, to convey or pass, or
136 cause to be conveyed or passed, into any correctional or humane
137 institution or the grounds or buildings thereof, or to any inmate of
138 such an institution who is outside the premises thereof and known to
139 the person so conveying or passing or causing such conveying or
140 passing to be such an inmate, any firearm, weapon, dangerous
141 instrument or explosive of any kind, shall be guilty of a class B felony.

142 Sec. 9. Subdivision (8) of subsection (a) of section 54-280 of the
143 general statutes is repealed and the following is substituted in lieu
144 thereof (*Effective October 1, 2017*):

145 (8) "Offense committed with a deadly weapon" or "offense" means:
146 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
147 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
148 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
149 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
150 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
151 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
152 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
153 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-
154 217b or 53a-217c or section 2 or 3 of this act, or a second or subsequent
155 violation of section 53-202g; or (B) a violation of any section of the
156 general statutes which constitutes a felony, as defined in section 53a-
157 25, provided the court makes a finding that, at the time of the offense,
158 the offender used a deadly weapon, or was armed with and threatened
159 the use of or displayed or represented by words or conduct that the
160 offender possessed a deadly weapon;

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

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

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

167 (3) "Law enforcement agency" means the special police appointed
168 under section 29-18 of the general statutes, the Division of State Police
169 within the Department of Emergency Services and Public Protection,
170 the special police forces established pursuant to section 10a-156b of the
171 general statutes, or any municipal police department.

172 (b) No law enforcement officer shall operate an unmanned aerial
173 vehicle, unless:

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

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

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

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

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

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

197 (c) An individual or privately owned property shall be considered
198 to be the subject of information collected by the operation of an
199 unmanned aerial vehicle if the information allows the identity of the
200 person or the privately owned property to be ascertained or if the law

201 enforcement officer operating the unmanned aerial vehicle
202 acknowledges such individual or such property was the subject of the
203 information.

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

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

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

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

231 (3) If such information allows the identity of an individual or

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

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

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

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

258 (h) Not later than January thirty-first of each year, each law
259 enforcement agency that operated an unmanned aerial vehicle in the
260 preceding calendar year shall prepare a report that includes, but need
261 not be limited to: (1) The number of times the law enforcement agency
262 operated an unmanned aerial vehicle in the preceding calendar year,

263 (2) the type of such operation as categorized in the policy adopted
264 pursuant to subdivision (2) of subsection (g) of this section, (3) whether
265 the unmanned aerial vehicle was operated pursuant to a warrant, and
266 (4) the number of times the type of information collected through the
267 operation of an unmanned aerial vehicle provided reasonable and
268 articulable suspicion that a criminal offense was being committed. The
269 law enforcement agency shall make such report available on the law
270 enforcement agency's Internet web site or the Internet web site of the
271 municipality served by the law enforcement agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	New section
Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017</i>	New section
Sec. 4	<i>October 1, 2017</i>	New section
Sec. 5	<i>October 1, 2017</i>	New section
Sec. 6	<i>October 1, 2017</i>	15-34(5)
Sec. 7	<i>October 1, 2017</i>	53a-189a(a)
Sec. 8	<i>October 1, 2017</i>	53a-174(a)
Sec. 9	<i>October 1, 2017</i>	54-280(a)(8)
Sec. 10	<i>October 1, 2017</i>	New section

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.]