MN HOUSE RESEARCH

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| Subject | Law enforcement drone use |
| Authors | Lesch and others |
| Analyst | Nathan Hopkins |
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## Overview

This bill regulates law enforcement agencies' use of unmanned aerial vehicles (UAVs or drones). The Legislative Coordinating Commission Subcommittee on Data Practices voted to recommend an essentially identical version of this bill — some minor stylistic changes were made to this version. The bill requires law enforcement agencies to get a search warrant before using a UAV, unless certain exceptions apply. The bill also contains other provisions regarding UAV use, UAV data, and UAV warrants.

## Summary

| Section | Description |
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| 1 | **Public benefit data.** |
| | Adds a cross-reference to the bill's proposed drone regulation. This allows law enforcement to disclose not-public drone data as necessary to aid law enforcement or promote public safety. |
| 2 | **Unmanned aerial vehicles.** |
| | Adds a cross-reference to the bill's proposed drone regulation into Chapter 13's comprehensive law enforcement data section. This is a technical cross-reference for convenience. |
| 3 | **Use of unmanned aerial vehicles.** |
| | **Subd. 1. Application; definitions.** Provides that this section governs UAV data collected, created, or maintained by a law enforcement agency only. For government entities other than a law enforcement agency, the general provisions of Chapter 13 control treatment of any UAV data. Also defines key terms. |

Section   Description

**Subd. 2. Use of unmanned aerial vehicles limited.** Requires a law enforcement agency to get a court-issued search warrant in order to operate a UAV, unless one of the exceptions in subdivision 3 applies.

**Subd. 3. Authorized use.** Allows a law enforcement agency to operate a UAV *without* a search warrant in the nine enumerated circumstances.

**Subd. 4. Limitations on use.** Sets out certain general restrictions on law enforcement use of drones.

**Subd. 5. Documentation required.** Requires a law enforcement agency to create detailed documentation each time it uses a UAV.

**Subd. 6. Data classification; retention.** Classifies data collected by a UAV as private or nonpublic, subject to the enumerated provisions in paragraph (a). Exempts UAV data collection by law enforcement from Chapter 13's Tennessen warning provision. Requires UAV data to be deleted within seven days unless the data is part of an ongoing criminal investigation.

**Subd. 7. Evidence.** Provides that data collected in violation of this section may not be used as evidence in a proceeding against the data's subject.

**Subd. 8. Remedies.** Provides a private right of action for individuals aggrieved by a violation of this section. This private right of action is in addition to the other civil and administrative remedies available under Chapter 13.

**Subd. 9. Written policies required.** Requires a law enforcement agency that uses a UAV to establish a policy governing UAV usage, and to make that policy publicly available.

**Subd. 10. Notice; disclosure of warrant.** Requires the courts to notify individuals who have been the subject of a UAV warrant, but allows the warrant to remain confidential (so that no notice will be given) in certain circumstances. Even if a UAV warrant remains confidential, however, it must be made public if the evidence from the warrant is used in a criminal proceeding.

**Subd. 11. Reporting.** Requires reporting by law enforcement on UAV use. Requires reporting by the state court administrator on UAV warrants.