MN HOUSE RESEARCH

Subject	Drone surveillance by law enforcement
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Overview

This bill restricts the use of unmanned aerial vehicle (UAVs or drones) by law enforcement agencies—generally requiring a search warrant prior to their deployment. The bill establishes notice and reporting requirements and regulates the use, storage, and disclosure of information gathered by drones. The bill also creates a civil cause of action for those who are aggrieved by violations of the law.

Summary

Section	Description
1	**Use of unmanned aerial vehicles.**

Subd. 1. Definitions. Defines the terms "law enforcement agency" and "unmanned aerial vehicle" (UAV).

Subd. 2. Use of unmanned aerial vehicles limited. Requires a search warrant for a law enforcement agency to operate a UAV.

Subd. 3. Exceptions. Authorizes warrantless UAV use in the following circumstances:

(a) In life-threatening emergency situations, but—within 48 hours—the law enforcement agency must provide notice to a district court regarding the factual basis for the use.

(b) In a public area with a court order finding facts demonstrating reasonable suspicion of criminal activity.

(c) To counter high risk of a terrorist attack supported by credible intelligence, but—within 48 hours—the law enforcement agency must provide notice to a district court regarding the factual basis for the use. The court filings may be sealed.

(d) In natural or man-made disaster situations, but—within 48 hours—the law enforcement agency must provide notice to a district court regarding the factual basis for the use.

Section	Description

Subd. 4. Limitations on use. Establishes certain limits on the use of UAVs. Requires governing body approval prior to purchasing a UAV. Requires UAV data collection be limited to narrowly defined target. Prohibits the use of facial recognition or other biometric matching technology unless expressly authorized by a court. Restricts UAV surveillance to the target specified in the warrant. UAVs may not be equipped with weapons.

Subd. 5. Consensual disclosure of information. Allows a person to consent to the use of UAV surveillance data related to them.

Subd. 6. Data retention and classification. Restricts the use of collateral data collected during targeted UAV surveillance to situations where the subject consents under subdivision 5. Requires destruction of data collected outside the scope of the warrant. Classifies UAV surveillance data as criminal investigative data.

Subd. 7. Evidence. Prohibits evidence collected in violation of this section from being admitted in criminal cases.

Subd. 8. Notice. Requires notice to be given to a subject of a search warrant for UAV surveillance. Delayed notice is permitted in limited circumstances.

Subd. 9. Remedies for violation. Authorizes a civil cause of action for parties aggrieved by a violation of this section.

Subd. 10. Reporting. Requires law enforcement agencies, through the commissioner of public safety, to annually create a public report to the legislature on their use of UAVs. Requires the judiciary to annually create a public report to the legislature on requests for UAV warrants.