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S.F. No. 1299 - Drones (Committee Engrossment) (SCS1299CE1)

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Section 1 adds a new section to Minnesota Statutes, chapter 626 (peace officers; searches; pursuit; mandatory reporting) addressing the use of drones by law enforcement.

Subdivision 1 defines the terms “adverse result,” “law enforcement agency,” and “unmanned aerial vehicles/UAVs (i.e., drones).”

Subdivision 2 prohibits law enforcement agencies from operating drones without a search warrant.

Subdivision 3 provides exceptions to the search warrant requirement in subdivision 2. Authorizes law enforcement agencies to use drones: (1) in emergency situations that involve an imminent threat to the life or safety of a person; and (2) to temporarily collect information from a public area if a court has determined that there are specific and articulable facts demonstrating reasonable suspicion of criminal activity, that the use of a drone will uncover this activity, and that alternate means of data collection are cost-prohibitive or present a significant risk to a person’s bodily safety.

Subdivision 4 provides the following limitations on the use of drones.

- Law enforcement agencies using drones must comply with all FAA requirements and guidelines.
- Drone acquisitions must be approved by the government entity overseeing the law

enforcement agency.

- Drones must be operated in a manner to collect data only on clearly and narrowly defined targets and to avoid data collection on an individual's home or areas other than the defined target, unless the warrant or order provides otherwise.
- Law enforcement agencies may not deploy facial recognition or other biometric matching technology via drone use, unless specifically authorized to do so by a court order or warrant.
- Drones may not be equipped with weapons.

Subdivision 5 provides that law enforcement agencies may disclose or receive information about persons acquired through drone usage if the person has given written consent to the disclosure.

Subdivision 6 prohibits data collected on an individual, home, or area, other than the subject identified in the court order or warrant from being used for any purposes except as provided in subdivision 5. Requires the deletion of data collected as soon as possible. Classifies data collected as criminal investigative data.

Subdivision 7 provides that evidence obtained or collected by law enforcement agencies in violation of this section is not admissible.

Subdivision 8 specifies the notice that must be given to the subject of a warrant or court order under this section.

Subdivision 9 authorizes an aggrieved party to initiate a civil action against a law enforcement agency for violating this section.

Subdivision 10 requires law enforcement agencies that use drones to annually report specified information to the commissioner of public safety, and for the commissioner to submit an annual summary report to the legislature and make this information available to the public via the department's Web site. Requires annual reports by judges who have issued a search warrant or order under this section to the state court administrator. Requires the state court administrator to report to the legislature and post on the state Supreme Court's Web site information on drone usage.

KPB/tg

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