

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill restricts the use of unmanned aerial vehicle (UAVs or drones) by governmental entities, 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. Creates a civil cause of action for those who are aggrieved by violations of the law.

This bill also requires law enforcement to secure a search warrant before collecting electronic device location information from individuals. The bill establishes several exceptions to the search warrant requirement and requires that notice be provided to individuals who have their location information collected.

### Section

#### **1 Use of unmanned aerial vehicles.**

**Subd. 1. Definitions.** Defines the following terms: “adverse result,” governmental entity,” and “unmanned aerial vehicle.”

**Subd. 2. Use of unmanned aerial vehicles limited.** Requires a search warrant for a governmental entity to operate a UAV.

**Subd. 3. Exceptions.** Authorizes use of a UAV in an emergency without a warrant, but the governmental entity must provide notice to the court after deploying the UAV. Also authorizes warrantless use of UAVs to collect information from a public area with prior court approval under certain limited circumstances. Permits warrantless use of UAVs to counter terrorism and respond to disasters. Finally, allows

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warrantless use for non-enforcement purposes, but strictly limits the use of information gathered.

**Subd. 4. Limitations on use.** Establishes certain limits on the use of UAVs. Requires governing body approval prior to purchasing a UAV. 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.

**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. Classifies UAV surveillance data as criminal investigative data.

**Subd. 7. Evidence.** Prohibits evidence collected in violation of this section from being admitted in a court of law.

**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 aggrieved parties.

**Subd. 10. Reporting.** Requires governmental entities to report to the legislature on their use of UAVs. Requires the State Court Administrator to report to the legislature on the number requests for UAV warrants that were made each year.

**2 Records concerning electronic communication service or remote computing service.** Creates a cross reference to section 3 that makes it clear that electronic device location information is treated differently under statute than other records maintained by electronic communication services or remote computing services.

**3 Electronic device location information.**

**Subd. 1. Definitions.** Defines the following terms: “adverse result,” “electronic device,” “electronic communication service,” “government entity,” “location information,” “location information service,” and “remote computing service.”

**Subd. 2. Search warrant required for location information.** Requires a government entity to secure a search warrant prior to collecting electronic device location information. Creates exceptions to the search warrant requirement in cases where there is consent, an emergency, a stolen device, or a missing person. Requires a government entity to submit a statement to the court explaining the circumstances of each warrantless collection of location information.

**Subd. 3. Notice.** Requires government entities to provide notice to individuals who have their location information collected. Allows for delayed notice in certain

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exceptional circumstances.

**Subd. 4. Reporting requirements.** Requires judges to report to the State Court Administrator on the warrant applications and notices of warrantless collection of location information that the judges receive each year. The State Court Administrator shall report to the legislature on the topic each year and publish the report on the web.

**Subd. 5. Prohibition on use of evidence.** Prohibits evidence obtained in violation of this section from being admitted as evidence in a legal dispute. Requires at least ten-day notice to be given to parties when evidence collected under this section is to be offered as evidence in a legal dispute.