

**HOUSE . . . . . No. 1322**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Colleen M. Garry*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to regulate the use of unmanned aerial vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/13/2015</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>9/17/2019</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>9/17/2019</i>

**HOUSE . . . . . No. 1322**

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 1322) of Colleen M. Garry, Jay D. Livingstone and Timothy J. Toomey, Jr., relative to the use of information derived from unmanned aerial vehicles as evidence in judicial, regulatory or other government proceedings. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1357 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act to regulate the use of unmanned aerial vehicles.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 272 of the General Laws is hereby amended by inserting after  
2 section 99B the following section:—

3 Section 99C.

4 (a) As used in this section, the following words shall have the following meanings:—

5 “Unmanned aerial vehicle”, an aircraft that is operated without the possibility of direct  
6 human intervention from within or on the aircraft.

7 (b) Any use of an unmanned aerial vehicle shall fully comply with all Federal  
8 Aviation Administration requirements and guidelines. Unmanned aerial vehicles may not be

9 equipped with weapons. The acquisition, purchase, or procurement of unmanned aerial vehicles  
10 shall be authorized, in the case of a unit of state or county government, by the Secretary of Public  
11 Safety, or, in the case of a municipality, by the city council or other governing body, subject to  
12 approval by the Secretary of Public Safety.

13 (c) It is unlawful for a government entity or official to operate an unmanned aerial  
14 vehicle except as follows—

15 (1) in order to execute a warrant issued under section 2 of chapter 276.

16 (2) for purposes unrelated to criminal investigation or other law enforcement  
17 purposes, provided that information derived from such operation shall not be received in  
18 evidence in any criminal trial, hearing, or grand jury proceeding, or maintained, shared, or used  
19 for any intelligence purpose.

20 (3) in case of emergency when there is reasonable cause to believe that a threat to the  
21 life or safety of a person is imminent, subject to the following limitations:

22 i. the operator shall document the factual basis for the emergency; and

23 ii. not later than 48 hours after the unmanned aerial vehicle is initially deployed, a  
24 supervisory official shall file an affidavit describing the grounds for the emergency access.

25 (d) The lawful operation of unmanned aerial vehicles described in subsection (b) and  
26 the disclosure of information acquired by the operation of such vehicles shall be subject to the  
27 following limitations:

28           (1)     When operated pursuant to a warrant, unmanned aerial vehicles shall collect data  
29 only on the warrant subject and avoid data collection on individuals, homes, and areas other than  
30 the warrant subject.

31           (2)     Facial recognition and other biometric matching technology shall not be used on  
32 data collected by an unmanned aerial vehicle, except to identify the subject of a warrant.

33           (3)     Under no circumstances shall unmanned aerial vehicles be used to track, collect  
34 or maintain information about the political, religious or social views, associations or activities of  
35 any individual, group, association, organization, corporation, business or partnership or other  
36 entity unless such information relates directly to investigation of criminal activity, and there are  
37 reasonable grounds to suspect the subject of the information is involved in criminal conduct.

38           (e)     Data collected on an individual, home, or area other than the target that justified  
39 deployment shall not be used, stored, copied, transmitted, or disclosed for any purpose, except  
40 with the written consent of the data subject. Such data shall be deleted as soon as practical, and  
41 in no event later than 24 hours after collection.

42           (f)     Information acquired by government use of an unmanned aerial vehicle and  
43 information derived therefrom shall not be received in evidence in any judicial, regulatory, or  
44 other government proceeding if:

45           (1)     the use of the unmanned aerial vehicle was unlawful;

46           (2)     the unmanned aerial vehicle was used for an unlawful purpose or in an unlawful  
47 manner; or

48           (3)     the disclosure would be in violation of the data retention limits in subsection (e).

49 (g) A government office or public official may include in its application for a warrant  
50 a request for an order delaying the notification required under subsection (g) for a period not to  
51 exceed 90 days, and the court shall issue the order if it determines there is reason to believe that  
52 notification of the existence of the warrant may have an adverse result as defined in section 1B  
53 of chapter 276. Upon expiration of any period of delay granted under this subsection, the  
54 government office or public official shall provide the warrant subject a copy of the warrant  
55 together with notice required under, and by the means described in, subsection (h).

56 (h) Not later than seven days after information is collected by an unmanned aerial  
57 vehicle pursuant to subsection (c)(1) of this section, the government entity or official shall serve  
58 upon, or deliver by registered or first-class mail, electronic mail, or other means reasonably  
59 calculated to be effective as specified by the court issuing the warrant to the subject of the  
60 warrant a copy of the warrant, a copy of the application for the warrant, and notice that informs  
61 such individual:—

62 (1) of the nature of the law enforcement inquiry with reasonable specificity;

63 (2) that information regarding the warrant subject was collected, the dates on which  
64 the information was collected, and a description of that information;

65 (3) whether notification was delayed pursuant to subsection (g); and

66 (4) the judicial official authorizing any delay in notification.

67 (i) On the second Friday of January of each calendar year, any judge issuing or  
68 denying a warrant under subsection (c)(1) during the preceding calendar year shall report on each  
69 such warrant to the office of court management within the trial court:

- 70 (1) the fact that the warrant was applied for;
- 71 (2) the identity of the government entity or official making the application;
- 72 (3) the offense specified in the warrant or application therefor;
- 73 (4) the place where the information was to be obtained;
- 74 (5) the fact that the warrant was granted as applied for, was modified, or was denied;
- 75 and
- 76 (6) the number and duration of any extensions of the warrant.

77 In June of each year, beginning in 2013, the court administrator in the office of court  
78 management within the trial court shall transmit to the legislature a full and complete report  
79 concerning the number of applications for warrants authorizing the use of unmanned aerial  
80 vehicles pursuant to subsection (c)(1) of this section. Such reports shall include a summary and  
81 analysis of the data required to be filed with that office. Such reports shall be filed with the  
82 offices of the clerk of the house and the senate and shall be public records. The court  
83 administrator in the office of court management within the trial court shall issue guidance  
84 regarding the form of such reports.