HOUSE DOCKET, NO. 3168 FILED ON: 1/20/2017

# HOUSE . . . . . No. 3581

## 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: |
|---|---|---|
| *Colleen M. Garry* | *36th Middlesex* | *1/20/2017* |

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# HOUSE . . . . . No. 3581

By Miss Garry of Dracut, a petition (accompanied by bill, House, No. 3581) of Colleen M. Garry for legislation to regulate the use of unmanned aerial vehicles. The Judiciary.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court**
**(2017-2018)**

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:*

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

Section 99C. (a) As used in this section, the following words shall, unless context clearly requires otherwise, have the following meanings:-

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

(b) The use of an unmanned aerial vehicle shall comply with all Federal Aviation Administration requirements and guidelines. Unmanned aerial vehicles shall not be equipped with weapons. The acquisition, purchase, or procurement of unmanned aerial vehicles shall be authorized, in the case of a unit of state or county government, by the secretary of public safety and security, or, in the case of a municipality, by the city council or other legislative body, subject to approval by the secretary of public safety and security.

(c) A government entity or official shall not operate an unmanned aerial vehicle, except: (i) to execute a warrant issued pursuant to section 2 of chapter 276; provided, however that the unmanned aerial vehicle shall collect data only on the warrant subject and shall avoid data collection on individuals, homes, and areas other than the warrant subject; (ii) in an emergency, if there is reasonable cause to believe that there is an immediate threat to the life or safety of a person, provided, that the operator shall document the factual basis for the emergency; and provided further, that within 48 hours of the initial deployment of the unmanned aerial vehicle, a supervisory official shall file an affidavit with the secretary of public safety and security describing the grounds for the emergency access; and (iii) for purposes unrelated to a criminal investigation or other law enforcement purpose; provided, that information derived from such operation shall not be received in evidence in any criminal trial, hearing, or grand jury proceeding, or maintained, shared, or used for any intelligence purpose.

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

Unmanned aerial vehicles shall not be used to track, collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership or other entity, unless such information relates directly to investigation of criminal activity, and there are reasonable grounds to suspect the subject of the information is involved in criminal conduct.

Data collected in relation to an individual, home, or area other than the target that justified the deployment of an unmanned aerial vehicle shall not be used, stored, copied,

transmitted, or disclosed for any purpose, except with the written consent of the subject. The data shall be deleted as soon as practical, and in no event later than 24 hours after collection.

(d) Information acquired by government use of an unmanned aerial vehicle and information derived therefrom shall not be received in evidence in any judicial, regulatory, or other government proceeding if the: (i) use of the unmanned aerial vehicle was unlawful; (ii) unmanned aerial vehicle was used for an unlawful purpose or in an unlawful manner; or (iii) disclosure would be in violation of the data retention limits in subsection (c).

(e) Not later than seven days after information is collected by an unmanned aerial vehicle, the government entity or official shall serve upon, or deliver by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective as specified by the court issuing the warrant, to the subject of the warrant a copy of the warrant, a copy of the application for the warrant, and notice which describes (i) the nature of the law enforcement inquiry with reasonable specificity; (ii) that information regarding the warrant subject was collected, the dates on which the information was collected, and a description of that information; (iii) if notification was delayed pursuant to subsection (f); and (iv) the judge who authorized the delay in notification.

(f) A government office or public official may include in its application for a warrant a request for an order delaying the notification required pursuant to subsection (e) for a period not to exceed 90 days, and the court shall issue the order if such notification may have an adverse result, as defined in section 1B of chapter 276. Upon expiration of a period of delay, the government office or public official shall provide the warrant subject a copy of the warrant together with notice pursuant to subsection (e).

On the second Friday of January of each year, each judge issuing or denying a warrant pursuant to this section during the preceding calendar year shall report on each such warrant to the office of court management within the trial court: (i) the fact that the warrant was applied for; (ii) the identity of the government entity or official making the application; (iii) the offense specified in the warrant or application therefor; (iv) the place where the information was to be obtained; (v) the fact that the warrant was granted as applied for, was modified, or was denied; and (vi) the number and duration of any extensions of the warrant.

In June of each year, the court administrator in the office of court management within the trial court shall transmit to the general court a report which shall detail the number of applications for warrants authorizing the use of unmanned aerial vehicles pursuant to this section. The report shall include a summary and analysis of the data required to be filed with the office. The report shall be filed with the clerks of the house of representatives and the senate, and shall be considered public. The court administrator in the office of court management within the trial court shall issue guidance regarding the form of the report.