HOUSE BILL NO. HB0242

Unmanned aerial surveillance.

Sponsored by: Representative(s) Loucks, Hunt, Jaggi, Kroeker, Krone, Lubnau, Miller and Reeder and Senator(s) Case

A BILL

for

1 AN ACT relating to criminal procedure; requiring a warrant for unmanned aerial surveillance; providing for exceptions; prohibiting use of evidence obtained without required warrant; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 7-3-1001 through 7-3-1005 are created to read:

ARTICLE 10

UNMANNED AERIAL SURVEILLANCE

7-3-1001. Short title.
This article shall be known and may be cited as the "Unmanned Aerial Surveillance Act."

7-3-1002. Definitions.

(a) As used in this article:

(i) "Drone" means any powered, aerial vehicle that:

(A) Does not carry a human operator;

(B) Uses aerodynamic forces to provide vehicle lift;

(C) Can fly autonomously or be piloted remotely; and

(D) Can be expendable or recoverable.

(ii) "Law enforcement agency" means a lawfully established federal, state or local public agency that is responsible for the prevention and detection of crime and
the enforcement of penal, traffic, regulatory or criminal
laws.

7-3-1003. Prohibited use of drones.

Except as provided in W.S. 7-3-1004, a law enforcement
agency shall not use a drone to gather evidence or other
information pertaining to criminal conduct or conduct in
violation of a statute or regulation except to the extent
authorized in a warrant that satisfies the requirements of
the fourth amendment to the United States constitution and
article 1, section 4 of the Wyoming constitution.

7-3-1004. Exceptions.

(a) This article does not prohibit any of the
following:

(i) The use of a drone by a law enforcement
agency when exigent circumstances exist. For the purposes
of this paragraph, exigent circumstances exist when the law
enforcement agency possesses reasonable suspicion that
under the particular circumstances, swift action to prevent
imminent danger to life is necessary;
(ii) The use of a drone to counter a high risk of a terrorist attack by a specific individual or organization, when the director of the office of homeland security determines credible intelligence indicates there is such a risk;

(iii) The use of a drone by a law enforcement agency to investigate the commission of a felony which the agency has reasonable suspicion to believe is in progress;

(iv) The use of a drone to assist a law enforcement agency in fresh pursuit of a person the agency has probable cause to believe has committed a felony.

7-3-1005. Prohibition of use of evidence.

No evidence obtained or collected through surveillance of a person without a warrant in violation of this article is admissible in any court in any criminal proceeding.

Section 2. This act is effective July 1, 2013.