

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
2 for unmanned aerial surveillance; providing for exceptions;
3 prohibiting use of evidence obtained without required
4 warrant; and providing for an effective date.

5

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

7

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

10

11

ARTICLE 10

12

UNMANNED AERIAL SURVEILLANCE

13

14

7-3-1001. Short title.

15

1 This article shall be known and may be cited as the
2 "Unmanned Aerial Surveillance Act."

3

4 **7-3-1002. Definitions.**

5

6 (a) As used in this article:

7

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

10

11 (A) Does not carry a human operator;

12

13 (B) Uses aerodynamic forces to provide
14 vehicle lift;

15

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

18

19 (D) Can be expendable or recoverable.

20

21 (ii) "Law enforcement agency" means a lawfully
22 established federal, state or local public agency that is
23 responsible for the prevention and detection of crime and

1 the enforcement of penal, traffic, regulatory or criminal
2 laws.

3

4 **7-3-1003. Prohibited use of drones.**

5

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

13

14 **7-3-1004. Exceptions.**

15

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

18

19 (i) The use of a drone by a law enforcement
20 agency when exigent circumstances exist. For the purposes
21 of this paragraph, exigent circumstances exist when the law
22 enforcement agency possesses reasonable suspicion that
23 under the particular circumstances, swift action to prevent
24 imminent danger to life is necessary;

1

2 (ii) The use of a drone to counter a high risk
3 of a terrorist attack by a specific individual or
4 organization, when the director of the office of homeland
5 security determines credible intelligence indicates there
6 is such a risk;

7

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

11

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

15

16 **7-3-1005. Prohibition of use of evidence.**

17

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

21

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

23

24

(END)