
OREGON STATE SHERIFFS' ASSOCIATION TESTIMONY IN SUPPORT OF SENATE BILL 71 WITH MODIFICATIONS TO THE -6 AMENDMENTS



Before the Senate Judiciary Committee, March 21, 2013

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Chair Prozanski and members of the Senate Judiciary Committee:

The Oregon State Sheriffs' Association is comprised of Oregon's 36 elected county sheriffs. Sheriffs take seriously their charge to be "conservators of the peace." Their role in public safety is broad, including routine patrol, investigating crime, search and rescue, marine patrol, jails, community corrections, court security, civil services and the issuance of concealed handgun licenses.

Sheriffs have not yet had time to thoroughly review the -6 amendments to SB 71. However, I note the following questions in the meantime:

(1) Do "drones" unintentionally meet the statutory definition of a "mobile tracking device" in ORS 133.617? If so, do we need to carve them out?

(2) Page 3: Section 4 specifies when a drone may be legally used by a "law enforcement agency". Does this section intend to limit use of drones only to those circumstances specifically listed? If this is the case, then does this section prohibit a drone from surveilling a public location pursuant to a warrant issued for that purpose? Where would use of a drone in a search and rescue effort fit within this statutory structure? What about flying a drone for public relations or training?

(3) Page 3 / line 13: Does the warrant specifically need to permit the use of a drone, or will law enforcement get a warrant and have the option of using a drone based on the circumstances and their judgment? The former will put the authority of using a drone in the sole discretion of a judge who will not be as well versed in the abilities and limitations of a drone. Do warrants currently specify or limit the tools used?

(4) Page 3 / line 23: Can (d) be modified to read, "...a person or persons fleeing an area where the law enforcement agency has reason to believe a crime may have been committed."?

(5) Page 4 / line 5: This section seems to suggest that ANY injury or damage, no matter how slight, will result in a fine of not less than \$5,000 if the drone operator had violated sections 2 or 3. Is this correct? This seems rather high.

(6) Page 4 / line 16: Will this section permit a criminal, who is the subject of a warrant, to bring an action against a law enforcement agency if the agency's drone dropped below 400 feet at any time during surveillance? I don't understand this height restriction and wonder if there might be times that surveilling below 400 feet may be necessary and prudent depending on the circumstances, surroundings and terrain.

Oregon Sheriffs appreciate the collaborative work being done on drone-related legislation this session. We also appreciate the Chair and Committee members for considering our concerns and suggestions. I am happy to answer any questions.

Oregon State Sheriffs' Association

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