

SB 238 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 3/31

WHAT THE MEASURE DOES:

The measure is a placeholder bill that requires the Department of Public Safety Standards and Training to study issues relating to law enforcement officers.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 The amendment allows a law enforcement agency or officer to acquire information or to disclose information acquired through the operation of an unmanned aircraft system in connection with lawful police activity, with some exceptions.

Detailed Summary

The amendment permits law enforcement to operate an unmanned aircraft system (UAS) in connection with lawful police activity, including but not limited to:

- Responding to any call for service.
- Responding to a public safety emergency that could result in injury to persons or property.
- Conducting search and rescue operations, or training on UAS operation.
- Obtaining information about a property where the owner has consented.

The amendment prohibits law enforcement UAS operation in the following circumstances:

- Operation over commercial property, if the owner has not consented and posted conspicuous notice of possible law enforcement UAS operation over the property.
- Operation of UAS for purposes of traffic enforcement, unless actively pursuing a fleeing suspect.

The amendment removes the law enforcement exemption from the prohibition on UAS use over private property to intentionally, knowingly, or recklessly harass or annoy the occupant or owner. It repeals portions of ORS 837.320, and the entirety of ORS 837.330, ORS 837.335, and ORS 837.340, including the following requirements:

- Written authorization from a consenting property owner.
- Issuance of a warrant, unless operating the UAS in exigent circumstances and with probable cause, or for search and rescue or training.
- Documentation of the factual basis for the belief of an imminent threat to an individual's life or safety, and the filing of a sworn statement within 48 hours.
- Limitation of five days on the use of UAS for law enforcement reconstruction or assessment of an accident or crime scene.

BACKGROUND:

In 2013, House Bill 2710 established that law enforcement may only use UAS with a warrant or with probable cause and exigent circumstances, or for search and rescue efforts, training, or crime scene reconstruction. The measure also prohibited public bodies from operating UAS that are capable of firing a bullet or other projectile. In 2016, House Bill 4066 required public bodies to establish and make publicly available policies and procedures for the use, storage, access, sharing, and retention of data collected through use of UAS.