

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 238**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 837.320 and 837.370; and repealing ORS 837.330, 837.335 and 837.340”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** ORS 837.320 is amended to read:

5 “837.320. *[(1) A law enforcement agency may operate an unmanned aircraft*
6 *system, acquire information through the operation of an unmanned aircraft*
7 *system, or disclose information acquired through the operation of an unmanned*
8 *aircraft system, if:]*

9 “[*(a) A warrant is issued authorizing use of an unmanned aircraft system;*
10 *or]*

11 “[*(b) The law enforcement agency has probable cause to believe that a per-*
12 *son has committed a crime, is committing a crime or is about to commit a*
13 *crime, and exigent circumstances exist that make it unreasonable for the law*
14 *enforcement agency to obtain a warrant authorizing use of an unmanned air-*
15 *craft system.]*

16 “[*(2) A warrant authorizing the use of an unmanned aircraft system must*
17 *specify the period for which operation of the unmanned aircraft system is au-*
18 *thorized. In no event may a warrant provide for the operation of an unmanned*
19 *aircraft system for a period of more than 30 days. Upon motion and good cause*
20 *shown, a court may renew a warrant after the expiration of the 30-day*
21 *period.]*

1 “(1) A law enforcement agency or a law enforcement officer may
2 operate an unmanned aircraft system, acquire information through
3 the operation of an unmanned aircraft system or disclose information
4 acquired through the operation of an unmanned aircraft system, in
5 connection with lawful police activity, when the law enforcement
6 agency is:

7 “(a) Responding to any call for law enforcement services.

8 “(b) Responding to a public safety emergency in which personal in-
9 jury or damage to property could occur.

10 “(c) Conducting search and rescue operations.

11 “(d) Conducting training as provided in ORS 837.345.

12 “(e) Obtaining information about a property when the property
13 owner has consented.

14 “(f) Executing a warrant.

15 “(g) Responding to exigent circumstances that make it unreason-
16 able for the law enforcement agency to obtain a warrant authorizing
17 use of an unmanned aircraft system, if probable cause exists to believe
18 that a person has committed a crime, is committing a crime or is
19 about to commit a crime.

20 “(h) Operating an unmanned aircraft system as authorized by a
21 warrant issued by a court.

22 “(2) A law enforcement agency or a law enforcement officer may
23 operate an unmanned aircraft system not in connection with police
24 activity only if all cameras on the unmanned aircraft system are:

25 “(a) Stowed; or

26 “(b) Positioned to provide situational awareness for flight and used
27 only for airspace deconfliction.

28 “(3) Except as otherwise authorized by this section, a law enforce-
29 ment agency or a law enforcement officer may not operate an un-
30 manned aircraft system to conduct surveillance over the boundaries

1 of commercial property unless the property owner has consented and
2 the property owner has posted conspicuous notice that a law enforce-
3 ment agency may be operating an unmanned aircraft system over the
4 property.

5 “(4) Except as otherwise authorized by this section, a law enforce-
6 ment agency or a law enforcement officer may not operate an un-
7 manned aircraft system for purposes of traffic enforcement, except
8 when the law enforcement agency is actively pursuing a fleeing sus-
9 pect.

10 “(5) Notwithstanding the provisions of this section, a law enforce-
11 ment agency may not use an unmanned aircraft system to collect or
12 maintain information in a manner prohibited by ORS 181A.250.

13 **“SECTION 2.** ORS 837.370 is amended to read:

14 “837.370. (1) *[Except as provided in subsection (2) of this section,]* A person
15 may not operate an unmanned aircraft system over the boundaries of pri-
16 vately owned premises in a manner so as to intentionally, knowingly or
17 recklessly harass or annoy the owner or occupant of the privately owned
18 premises.

19 “[*(2) Subsection (1) of this section does not apply to the use of an unmanned*
20 *aircraft system by a law enforcement agency under ORS 837.335.*]

21 “[*(3)(a)*] **(2)(a)** Except as provided in paragraphs (b) and (c) of this sub-
22 section, violation of subsection (1) of this section is a Class B violation.

23 “(b) If, at the time of the offense, the person has one prior conviction
24 under this section, violation of subsection (1) of this section is a Class A
25 violation.

26 “(c) If, at the time of the offense, the person has two or more prior con-
27 victions under this section, violation of subsection (1) of this section is a
28 Class B misdemeanor.

29 “(d) If the court imposes a sentence of probation for a violation under
30 paragraph (c) of this subsection, the court may order as a condition of pro-

