

SB 238-A11
(LC 3072)
6/10/25 (MNJ/ps)

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 238**

1 On page 1 of the printed A-engrossed bill, line 2, after the first “ORS”
2 insert “837.300,”.

3 Delete lines 5 through 23.

4 On page 2, delete lines 1 through 27 and insert:

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

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

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

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

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

1 *period.]*

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

8 “(a) Responding to a police call for service that originated from a
9 member of the public via a 9-1-1 call or a dispatch from a law
10 enforcement officer received and processed by a public safety answer-
11 ing point, as defined in ORS 403.105, when there is reasonable suspicion
12 that criminal conduct will occur imminently, is occurring or has re-
13 cently occurred and the use of an unmanned aircraft system is neces-
14 sary to protect public safety or gather evidence of a crime. In using
15 an unmanned aircraft system under this paragraph, the law enforce-
16 ment agency shall:

17 “(A) Limit the use of the unmanned aircraft system to the specific
18 incident and location relevant to the call for service.

19 “(B) Ensure that data collected through the use of the unmanned
20 aircraft system is not used for general surveillance or retained for
21 more than 30 days after the date of the incident unless directly rele-
22 vant to an ongoing criminal investigation.

23 “(b) Responding to a public safety emergency in which there is
24 reasonable suspicion that personal injury or damage to property has
25 occurred or will occur. A lawful assembly is not a public safety emer-
26 gency for purposes of this paragraph.

27 “(c) Conducting search and rescue operations.

28 “(d) Reconstructing a specific crime scene or accident scene, or
29 performing a similar physical assessment, related to a specific inves-
30 tigation, for a period not to exceed five days.

1 “(e) Conducting training as provided in ORS 837.345.

2 “(f) Acquiring information about an individual, or about the
3 individual’s property, if the individual has given written consent to the
4 use of an unmanned aircraft system for those purposes.

5 “(g) Executing an arrest warrant at a location where the law
6 enforcement agency has reasonable suspicion to believe the subject of
7 the arrest warrant is present.

8 “(h) Responding to exigent circumstances that make it unreason-
9 able for the law enforcement agency to obtain a warrant authorizing
10 use of an unmanned aircraft system, if probable cause exists to believe
11 that a person has committed a crime, is committing a crime or is
12 about to commit a crime.

13 “(i) Operating an unmanned aircraft system as authorized by a
14 warrant issued by a court.

15 “(2) When a law enforcement agency or a law enforcement officer
16 operates an unmanned aircraft system as authorized by this section,
17 the law enforcement agency shall document the flight of the un-
18 manned aircraft system and the justification for use of the unmanned
19 aircraft system in accordance with record keeping and retention re-
20 quirements adopted by the law enforcement agency.

21 “(3) A law enforcement agency or a law enforcement officer may
22 use an unmanned aircraft system to record images, video or sound
23 only:

24 “(a) At the specific location and with regard to the specific incident
25 for which the use of the unmanned aircraft system is authorized under
26 this section; and

27 “(b) For the purpose of collecting and preserving evidence.

28 “(4) A law enforcement agency or a law enforcement officer may
29 operate an unmanned aircraft system to move the unmanned aircraft
30 system to and from the location of police activity where operation of

1 an unmanned aircraft system is authorized under this section only if
2 all cameras on the unmanned aircraft system are:

3 “(a) Stowed; or

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

6 “(5) Except as expressly authorized by this section, a law enforce-
7 ment agency or a law enforcement officer may not operate an un-
8 manned aircraft system for purposes of:

9 “(a) Traffic enforcement, except when the law enforcement agency
10 is actively pursuing a fleeing suspect.

11 “(b) Surveillance or monitoring of individuals, property or public
12 areas.

13 “(6) Notwithstanding the provisions of this section, a law enforce-
14 ment agency or a law enforcement officer may not:

15 “(a) Use an unmanned aircraft system to collect or maintain in-
16 formation in a manner prohibited by ORS 180.805, 181A.250 or 181A.820.

17 “(b) Use an unmanned aircraft system to record a lawful assembly.

18 “(c) Use an unmanned aircraft system in violation of the Oregon
19 or United States Constitutions.

20 “(d) Provide images, video or sound collected through the use of an
21 unmanned aircraft system under this section, other than to the De-
22 partment of Justice of this state or a state or local law enforcement
23 agency or district attorney based in this state, without a warrant or
24 other judicial order authorizing the release of the images, video or
25 sound.

26 “**SECTION 2.** ORS 837.300 is amended to read:

27 “837.300. As used in ORS 837.300 to 837.390 and 837.995:

28 “(1) ‘Aircraft’ has the meaning given that term in ORS 836.005.

29 “(2) ‘Law enforcement agency’ means an agency that employs peace offi-
30 cers, as defined in ORS 133.005, or that prosecutes offenses.

1 “(3) ‘Public body’ has the meaning given that term in ORS 174.109.

2 “(4) ‘Unmanned aircraft system’ means an unmanned flying machine,
3 commonly known as a drone, and its associated elements, including commu-
4 nication links and the components that control the machine.

5 “[(5) ‘Warrant’ means a warrant issued under ORS 133.525 to 133.703.]”.

6 In line 28, delete “2” and insert “3”.

7 In line 44, delete “3” and insert “4”.

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