

Submitter:

Fernando Machicado

On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

SB238

My name is Fernando Machicaado, and Part 107 pilot. I am testifying today in strong opposition to Senate Bill 238A. While we understand the desire to provide law enforcement with effective tools, the amendments proposed in this bill represent a significant and dangerous erosion of fundamental privacy rights and civil liberties for all Oregonians.

Our primary concern lies with the expansion of permissible drone use by law enforcement, particularly the weakening of warrant requirements. The amended language, specifically regarding situations where "personal safety or property is at risk," is alarmingly vague and lacks the necessary specificity to prevent broad and unwarranted surveillance. This ambiguity creates a significant loophole that could allow law enforcement to conduct aerial surveillance without judicial oversight in a wide range of circumstances, effectively circumventing the protections afforded by the Fourth Amendment against unreasonable searches.

The idea that law enforcement can conduct routine monitoring of our communities, document public gatherings, or observe private property from the sky without first obtaining a warrant based on probable cause sets a dangerous precedent. This level of unchecked surveillance has a chilling effect on free speech and the right to assemble, as individuals may be less likely to exercise these rights if they know their activities are being recorded and scrutinized without legal justification.

Furthermore, the potential for abuse and mission creep is significant. What begins as a tool for specific, exigent circumstances can easily expand into routine surveillance, disproportionately impacting marginalized communities who have historically been subject to increased scrutiny. The lack of robust oversight and accountability mechanisms within this amended bill fails to provide adequate safeguards against such overreach.

We believe that the current legal framework, requiring a warrant based on probable cause for surveillance, provides a necessary and crucial balance between public safety and individual liberties. Senate Bill 238A tips this balance precariously in favor of unchecked government power.

Instead of expanding warrantless surveillance, we urge this committee to consider amendments that would:

Strengthen the warrant requirement for drone surveillance, ensuring judicial oversight

remains the standard.

Narrow the exceptions for warrantless use to truly exigent circumstances with clear and specific definitions.

Implement strict data retention policies and prohibit the storage of data collected without a warrant unless it pertains to an active investigation with judicial authorization.

Mandate independent oversight and regular audits of law enforcement drone usage. Protecting the privacy and civil liberties of Oregonians should not be sacrificed in the pursuit of convenience or vaguely defined increases in efficiency. We urge you to reject Senate Bill 238A and instead work towards solutions that enhance public safety while upholding our constitutional rights.

Thank you for your time and consideration