



SUPPORT for SB 238 (Dash A11 Amendment)

Law Enforcement Use of Unmanned Aircraft Systems (UAS): Authorized Uses, Limitations & Civil Liberty Protections

Oregon currently has the **lowest number of law enforcement officers per 1,000 residents in the United States**, placing increased strain on public safety agencies across the state. As communities grow and challenges become more complex, it is essential to provide law enforcement with tools that **maximize efficiency and improve safety outcomes for both officers and the public**. Unmanned Aircraft Systems (UAS), or drones, offer a vital resource to help fill this gap by enabling rapid, real-time assessments during critical incidents. Whether responding to emergencies, search and rescue efforts, or rapidly evolving situations, **UAS can deliver timely aerial insights that support informed decision-making, reduce response time, and help prevent escalation or unnecessary use of force.**

This bill supports the strategic use of UAS by law enforcement while also **including strong, clearly defined limitations to ensure accountability and protect the rights and privacy of the public**. The legislation prohibits the use of UAS for non-law enforcement purposes and includes safeguards to prevent misuse or overreach, maintaining a careful balance between innovation in public safety and the civil liberties of Oregon residents.

SB 238 (dash 11 amendment) modernizes Oregon's unmanned aircraft systems (UAS) law originally enacted in 2013 by preserving its core provisions, introducing new updates, and enhancing protections for civil liberties.

Permitted Drone Operations for Law Enforcement Purposes

Authorizes Law enforcement to use a drone when engaging in **lawful police activity** for:

- Responding to **law enforcement calls for service** that are initiated through the 911 emergency call system when:
 - There is **reasonable suspicion** that unlawful or criminal conduct is about to occur, is occurring or has recently occurred, and the use of an unmanned aircraft system is necessary to protect public safety or gather evidence of a crime; and
 - The use of the unmanned aircraft system is **limited** to the specific incident and location relevant to the call for service, and any data collected is not used for general surveillance or retained beyond 30 days unless directly relevant to an ongoing criminal investigation.
 - The **agency documents** the call for service, the UAS flight, and the justification for its use in accordance with recordkeeping and retention requirements.
- Responding to **public safety emergencies** when there is reasonable suspicion to believe that personal injury or property damage has occurred or is likely to occur. The measure clarifies that a lawful assembly does not constitute a public safety emergency under this paragraph.
- Executing **an arrest warrant** at a location where the law enforcement agency has reasonable suspicion to believe the subject of the arrest warrant is present.

Retains Law enforcement authorization to use UAS/drones when involved in **lawful police activity** for:

- Conducting **search and rescue operations** (As authorized in 837.335). The bill removes the requirement to file an affidavit with a circuit court following an operation.
- Reconstructing a **specific crime scene or crash scene** (as authorized in ORS 837.340)
- Conducting **training** (as authorized under ORS 837.345).
- Carrying out activities authorized by a **court-issued warrant**.
- During **exigent circumstances** with probable cause when obtaining a warrant is impractical.

Prohibited UAS/Drone Operations and Civil Liberty Safeguards

Except as expressly authorized, SB 238 (dash 11 amendment) **prohibits a law enforcement agency or officer** from operating an unmanned aircraft system:

- To **enforce traffic laws**, except when actively pursuing a fleeing suspect.
- To **conduct surveillance** or monitoring of individuals, property or public areas.
- To **collect or maintain information** about an individual's political, religious, or social views, associations, or activities as **prohibited by ORS 181A.250 or in violation of 181A.250, or 181A.820**.
- To use an unmanned aircraft system **to record a lawful assembly**.
- To **act in a manner that violates the Oregon or United States Constitutions**.
- To **provide information collected through the use of an unmanned aircraft system to an out-of-state law enforcement agency** without a warrant or other judicial order authorizing the release.

SB 238 (dash 11 amendment) requires that **when a law enforcement agency moves the unmanned aircraft system to and from the location of police activity**, the agency must ensure the following:

- **All cameras must be stowed**, or
- Cameras must be used **only for flight awareness/deconfliction** (e.g., to avoid airspace conflicts).

Documentation and Justification Requirement: Requires law enforcement agencies to document the flight of the unmanned aircraft system and the justification for use of the unmanned aircraft system in accordance with record keeping and retention requirements for all authorized uses.

Limitations on UAS Recording: Restricts use of an aircraft system to capture images, video, or sound only when directly tied to a specific incident and location, and for the purpose of collecting and preserving evidence.

Contact:

Kevin Campbell, Contract Lobbyist

Oregon Association Chiefs of Police & Oregon State Sheriffs' Association

kevin@victorygrp.com