

Introduction

Senate Bill 238-A modernizes Oregon's drone laws by amending ORS 837.320 to allow law enforcement to use drones, under specific exceptions. This bill unlocks transformative benefits for community safety, officer protection, and service efficiency, while upholding robust privacy protections refined through extensive negotiations during this legislative session.

Community and Officer Safety

First, SB 238-A authorizes swift, responsive action to 911 calls involving incidents such as assaults, robberies, domestic violence and other crimes. Drones will deliver real-time visuals to assess threats, reducing dangerous officer confrontations. They'll boost suspect capture rates by tracking offenders from above, cut time spent on disruptive perimeters that alarm neighborhoods, and speed up aid to crime victims, fostering trust and safer communities.

Second, the bill strengthens responses to emergencies like wildfires, floods, or landslides. Drones will provide high-resolution, live-streamed data to map fire spread, locate stranded individuals, or spot hazards like downed power lines. This real-time intelligence will enhance inter-agency coordination, protect lives, and safeguard property in Oregon's disaster-prone regions, ensuring responders act swiftly and safely.

Third, SB 238-A expands drone use for medical emergencies and search and rescue. While we can currently conduct search and rescue, the bill simplifies administrative burdens and broadens medical call responses. For instance, in Eugene's fentanyl crisis, drones will locate overdose victims in alleys or wooded areas, guiding EMS to deliver life-saving treatment faster, while scanning rugged terrain to expedite rescues without risking responders.

Finally, the bill allows drones for warrant executions, for individuals with arrest warrants, currently prohibited. Drones will provide aerial views to confirm suspect presence and assess risks, reducing violent encounters. For fleeing suspects, drones will track movements, minimizing dangers to officers, suspects, and bystanders, ensuring safer apprehensions.

Community Service Levels

SB 238-A tackles Oregon's lowest-in-the-nation officer-per-capita ratio by enabling drones to be used to assist with more calls. Drones will quickly assess crash scenes, document damage, or identify hazards like fuel leaks, speeding up traffic management and freeing officers for urgent calls. This ensures timely responses despite critical staffing shortages.

Constitutional and Privacy Safeguards

SB 238-A respects constitutional protections against unlawful searches and seizures. SB 238-A provides significantly greater limitations on law enforcement drone use than most other states in the US. Our west coast neighbors in Washington and California have no drone specific laws, law enforcement relies on decades of aviation case law (flying cameras) to guide police drone use.

SB 238-A does not expand law enforcement's constitutional authority to infringe on individual rights or conduct surveillance beyond what is already legally permissible. If a law enforcement officer lacks the legal ability to enter or observe a space under existing laws, a police drone is similarly restricted from entering or viewing that space. This legislation merely enables law enforcement to use drones to observe what they are already constitutionally and lawfully allowed to see, with a tool that reduces the risk to officers and the public. While the bill expands the use of drone technology, it does not permit circumvention of established laws governing search and seizure or privacy protections.

The bill upholds ORS 181A.250, banning data collection on political, religious, or immigration status, and ORS 181A.820, prohibiting immigration enforcement. Drones are barred from traffic enforcement, except in pursuits, and public-records law ensures transparency through accessible flight logs. We've heavily modified the bill to address public concerns, adding guardrails for accountability.

There has been significant concern about law enforcement utilizing drones to observe and record lawful protest activities. A lawful assembly would not meet any authorized criteria in this bill, and the bill expressly prohibits law enforcement from recording any lawful assembly.

Conclusion

SB 238-A equips Oregon's law enforcement with drones to reduce confrontations, boost suspect captures, streamline emergency responses, and deliver faster aid to victims. With strong privacy and constitutional safeguards, this bill ensures safer, more efficient policing, addressing our staffing crisis and serving our communities better.

I strongly urge you to support SB 238-A.