

HB 240 - AS INTRODUCED

2015 SESSION

15-0129
04/05

HOUSE BILL **240**

AN ACT prohibiting law enforcement agencies from using a drone to collect evidence.

SPONSORS: Rep. Duarte, Rock 2; Rep. Spillane, Rock 2; Rep. Tamburello, Rock 5; Rep. Pitre, Straf 2; Rep. Hill, Merr 3; Rep. Rappaport, Coos 1; Rep. McLean, Hills 15; Rep. Lachance, Hills 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the use of drones to obtain evidence unless authorized in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT prohibiting law enforcement agencies from using a drone to collect evidence.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Use of Drones. Amend RSA by inserting after chapter 644 the following new
2 chapter:

3 CHAPTER 644-A

4 USE OF DRONES

5 644-A:1 Definitions. In this chapter:

6 I. "Drone" means a powered, aerial vehicle that:

- 7 (a) Does not carry a human operator;
- 8 (b) Uses aerodynamic forces to provide vehicle lift;
- 9 (c) Can fly autonomously or be piloted remotely;
- 10 (d) Can be expendable or recoverable; and
- 11 (e) Can carry a lethal or nonlethal payload.

12 II. "Law enforcement agency" means a lawfully established state, county, or municipal
13 agency that is responsible for the prevention and detection of crime, local government code
14 enforcement, and the enforcement of criminal laws.

15 644-A:2 Use of Drone. Except as provided in this chapter, no law enforcement agency shall use a
16 drone for the purpose of obtaining evidence. No evidence obtained in violation of this chapter shall
17 be admissible in a criminal prosecution in any court in this state.

18 644-A:3 Exceptions. Nothing in this chapter shall prohibit the use of a drone:

19 I. To counter a high risk of a terrorist attack by a specific individual or organization if the
20 United States Secretary of Homeland Security determines that credible intelligence indicates that
21 there is such a risk.

22 II. If the law enforcement agency first obtains a search warrant signed by a judge
23 authorizing the use of a drone.

24 III. If the law enforcement agency possesses reasonable suspicion that, under particular
25 circumstances, swift action is needed to prevent imminent danger to life or serious damage to
26 property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve
27 purposes including, but not limited to, facilitating the search for a missing person.

28 644-A:4 Civil Action. A party aggrieved by the unauthorized use of a drone may initiate a civil
29 action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy
30 a violation of this chapter.

31 2 Effective Date. This act shall take effect January 1, 2016.