

system. The unmanned aircraft system may only be used to obtain evidence concerning a particular person or location named in the warrant; or when exigent circumstance exist.

Any government agency may use a drone for legitimate governmental purposes, subject to obtaining a warrant.

When an unmanned aircraft system is used by a government agency, efforts must be made to minimize data collection on individuals, homes, and areas other than the target. The unmanned aircraft system may not use facial recognition nor other biometric matching technology on a nontarget. Nontarget data is confidential and not subject to disclosure except by court order.

Only evidence collected as a result of a search warrant or evidence collected against the owner or operator of a drone to show misconduct will be admissible in a civil, criminal, or administrative proceeding.

No law enforcement agency shall be required to operate unmanned aircraft systems.

Any business or recreational owner not operating a drone in accordance to the Code of Federal Regulations shall be guilty of a violation for the first offense and a Class B misdemeanor for subsequent offenses.

Section 2:

A person is guilty of an offense committed with the aid of a drone if the drone is under his or her control and the conduct would have given rise to criminal liability for the offense if performed directly by the person, unless the conduct consist solely of flying an legally registered unmanned aircraft system through navigable airspace in the normal course of operation.

Section 3:

Defines “emergency responder” to be state or local law enforcement personnel, fire department personnel, corrections officers, and emergency medical personnel.

No person shall intentionally hinder an emergency responder from performing his or her duties.

Obstructing an emergency responder shall be a violation for a first offense, and a Class B misdemeanor for subsequent offenses.

Section 4:

Defines “unmanned aircraft system” as an aircraft that is operated without direct human interaction from within or on the aircraft and includes everything on board, attached, or associated with the unmanned aircraft including communication links and components necessary for operation.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The initial fiscal impact of HB 291 SCS to local governments is expected to be minimal, but could increase over time as drone use becomes more prevalent, both for personal use and for business use.

There will be a learning curve with local law enforcement and minor cost to disseminate the new law to law enforcement and staff.

Pertaining to Sections 1 and 3 regarding the penalties:

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Data Source(s): LRC staff, Department of Corrections

Preparer: Wendell Butler **Reviewer:** KHC **Date:** 3/14/17