

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 2043

By: Shortey

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6 AS INTRODUCED

7 An Act relating to aircraft; restricting the use of
8 drones; defining terms; prohibiting law enforcement
9 agencies use of drones to gather certain information;
10 prohibiting use of certain drones; providing penalty;
11 prohibiting use of drones for certain purpose;
providing penalty; providing exception; stating
certain evidence as nonadmissible; providing for
codification; providing an effective date; and
declaring an emergency.

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1360 of Title 21, unless there
17 is created a duplication in numbering, reads as follows:

18 A. As used in this section:

19 1. "Drone" means a powered, aerial vehicle that carries or is
20 equipped with a recording device that does not carry a human
21 operator, uses aerodynamic forces to provide vehicle lift, and can
22 fly autonomously or be piloted remotely. A drone may be expendable
23 or recoverable.

1 2. "Law Enforcement Agency" means any county sheriff, municipal
2 police department, the Oklahoma Highway Patrol and any state or
3 local public body that employs safety personnel, including tribal
4 law enforcement agencies.

5 B. No law enforcement agency may use a drone to gather evidence
6 or other information in a criminal investigation without first
7 obtaining a search warrant pursuant to Section 1221 et seq. of Title
8 22 of the Oklahoma Statutes. This shall not apply to the use of a
9 drone to assist in an active search and rescue operation, to locate
10 an escaped prisoner, or if a law enforcement officer has reasonable
11 suspicion to believe that the use of a drone is necessary to prevent
12 imminent danger to an individual or to prevent imminent destruction
13 of evidence.

14 C. Whoever sells, transports, manufactures, possesses, or
15 operates any weaponized drone shall be deemed guilty of a felony and
16 upon conviction shall be punishable by a fine of not less than Five
17 Hundred Dollars (\$500.00) and no more than One Thousand Dollars
18 (\$1,000.00), and by imprisonment in the State Penitentiary for a
19 term not less than one (1) year nor more than five (5) years, or by
20 both such fine and imprisonment.

21 D. Whoever uses a drone to photograph, record, or otherwise
22 observe another individual in a place where the individual has a
23 reasonable expectation of privacy is guilty of a misdemeanor. This
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1 subsection shall not apply to a law enforcement officer authorized
2 to use a drone pursuant to subsection B of this section.

3 E. Evidence or information obtained or collected in violation
4 of this section is not admissible in evidence in any criminal
5 proceeding.

6 SECTION 2. This act shall become effective July 1, 2014.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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