SYNOPSIS
Sets forth certain standards to be followed by law enforcement agencies and fire departments when utilizing drones.

CURRENT VERSION OF TEXT
As amended by the Senate on June 20, 2013.
AN ACT concerning the use of unmanned aerial vehicles and
supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. As used in this act:

“Anti-personnel device” means a firearm or any prohibited
weapon or device defined under N.J.S.2C:39-3 or any other
projectile designed to harm, incapacitate, or otherwise negatively
impact a human being;

“Unmanned aerial vehicle” means an aerial vehicle that is owned
or operated by any branch of the Armed Forces of the United States
or any law enforcement agency, or agent or employee thereof, that
uses aerodynamic forces to propel the vehicle and does not carry a
human operator, and is capable of flying autonomously or being
piloted remotely and conducting surveillance as defined by this
section;

“Emergency” means any flood, hurricane, storm, tornado, high
water, wind-driven water, tidal wave, drought, fire, explosion, civil
disorder, act of terrorism, or other catastrophe which is or threatens
to be of sufficient severity and magnitude to substantially endanger
the health, safety and property of the citizens of this State;

“Surveillance” means the act of monitoring, observing,
photographing, listening to, or making a recording of a person or
group of persons or their movements, activities and
communications.

b. No law enforcement agency shall utilize an unmanned aerial
vehicle to conduct surveillance or to gather any evidence or engage
in any other law enforcement activity within this State unless:

(1) the chief law enforcement officer of that law enforcement
agency has reasonable grounds to believe that the record or other
information that may be derived from an unmanned aerial vehicle is
relevant and material to an ongoing criminal investigation; or

(2) the unmanned aerial system vehicle is being utilized by
the Missing Persons Unit established pursuant to section 2 of
P.L.1983, c.467 (C.52:17B-9.7) or other law enforcement agency
for a search and rescue mission including, but not limited to,
locating a high risk missing person or missing child as defined
under section 1 of P.L.2007, c.279 (C.52:17B-212), or following a
notification that a person is abducted or missing by an Amber Alert
established under section 3 of P.L.2002, c.129 (C.52:17B-194.3) or
Silver Alert under section 1 of P.L.2009, c.167 (C.52:17B-194.4)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
1Senate SLP committee amendments adopted June 17, 2013.
2Senate floor amendments adopted June 20, 2013.
2. a. A forest firefighter service established under the Department of Environmental Protection pursuant to R.S.13:9-1 et seq. may utilize an unmanned aerial vehicle to survey or monitor the extent of a forest fire.

b. Any fire department, paid or volunteer, in this State may utilize an unmanned aerial vehicle to survey or monitor the extent of a fire in situations when the unmanned aerial vehicle can assist firefighters in obtaining visual and auditory information on the damage caused by the fire to a building or other structure.

c. Whenever a forest firefighter service, or any fire department, paid or volunteer, utilizes an unmanned aerial vehicle in accordance with this section and records a verbal or video communication that is unrelated to an arson investigation, the contents of that verbal or video communication, and any information that is derived from that communication, shall be discarded within 14 days.

d. Information or records of a verbal or video communication derived from the use of an unmanned aerial vehicle shall be strictly safeguarded and shall not be made available or disclosed to the public or any third party. The provisions of this section shall not apply to the disclosure of information or records of a verbal or video communication derived from the use of an unmanned aerial vehicle to any court or law enforcement agency in carrying out its functions related to the ongoing criminal investigation.

e. Any evidence derived from the use of an unmanned aerial vehicle in violation of this section shall not be used as evidence in a criminal prosecution.

3. a. Any county emergency management coordinator or municipal emergency management coordinator in this State may utilize an unmanned aerial vehicle to survey or monitor the extent of an emergency in situations when the unmanned aerial vehicle can assist emergency management coordinators in obtaining visual and auditory information on the extent of an emergency.
assist the coordinator in obtaining visual and auditory information
on the damage caused by the emergency to that county or
municipality.

b. Information or records of a verbal or video communication
derived from the use of an unmanned aerial vehicle shall be strictly
safeguarded and shall not be made available or disclosed to the
public or any third party. 2

2[3.] 4  a. Each law enforcement agency 2[or] 2 fire
department 2[or] county or local Office of Emergency Management 2
that utilizes an unmanned aerial 1[system] vehicle 1 shall keep, on
location at the agency or department, a record for each 1[an] 1
unmanned aerial 1[system]  vehicle 1 listing the following
identifying information:
1. maintenance records for each 1[a] 1 unmanned aerial
1[system] vehicle 1;
2. the records of the two most recent calendar years of fuel
purchases for each unmanned aerial 1[system] vehicle 1; 1 and
3. any other documentation pertinent to the unmanned aerial
1[system] vehicle 1 that may be otherwise required under rules or
regulations adopted pursuant to section 2[5] 6 of P.L. ,
c. (C. ) (pending before the Legislature as this bill). The
Attorney General shall have the authority to inspect these records
upon request.

b. Each law enforcement agency 2[or] 2 fire department 2[or]
county or local Office of Emergency Management 2 that utilizes an
unmanned aerial 1[system] vehicle 1 shall annually inspect the
unmanned aerial 1[system] vehicle 1 to ensure that the 1[system] vehicle 1 is being properly maintained, is in good working condition,
and is safe to be used in the same proximity as the general public.
The person conducting the inspection shall have qualifications,
knowledge, and experience in the use and inspection of unmanned
aerial 1[systems] vehicles 1.
A report of the annual inspection shall be forwarded to the Office
of the Attorney General no later than January 1 of each year. The
report also shall include a statement documenting the number of
times that an unmanned aerial 1[system] vehicle 1 was used during
the year, as well as a statement of facts establishing the purpose for
which the unmanned aerial 1[system] vehicle 1 was used, and the
character of the information that the law enforcement agency or fire
department obtained from utilizing the unmanned aerial 1[system] vehicle 1.

2[4.] 5 2 No person, including a law enforcement agency 2[or]
2 fire department 2[or] county or local Office of Emergency
Management 2 permitted to utilize an unmanned aerial vehicle
pursuant to this act shall operate an unmanned aerial vehicle in this State that is equipped with an anti-personnel device as defined in section 1 of P.L. , c. (pending before the Legislature as this bill). A person who violates this section shall be guilty of a crime of the fourth degree.

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25. The Attorney General, in conjunction with the Superintendent of State Police, shall adopt rules and regulations in accordance with the Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

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6. This act shall take effect immediately.