

[Second Reprint]

SENATE, No. 2702

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED APRIL 25, 2013

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

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District 22 (Middlesex, Somerset and Union)

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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.



(Sponsorship Updated As Of: 6/21/2013)

1 AN ACT concerning the use of unmanned aerial vehicles and
2 supplementing Title 2A of the New Jersey Statutes.

3

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

6

7 1. a. As used in this act:

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

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

19 ²“Emergency” means any flood, hurricane, storm, tornado, high
20 water, wind-driven water, tidal wave, drought, fire, explosion, civil
21 disorder, act of terrorism, or other catastrophe which is or threatens
22 to be of sufficient severity and magnitude to substantially endanger
23 the health, safety and property of the citizens of this State;² and

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

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

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

35 (2) the unmanned aerial ¹**[system] vehicle**¹ is being utilized by
36 the Missing Persons Unit established pursuant to section 2 of
37 P.L.1983, c.467 (C.52:17B-9.7) or other law enforcement agency
38 for a search and rescue mission¹**[,]**¹ including¹₁ but not limited to,
39 locating a high risk missing person or missing child as defined
40 under section 1 of P.L.2007, c.279 (C.52:17B-212), or following a
41 notification that a person is abducted or missing by an Amber Alert
42 established under section 3 of P.L.2002, c.129 (C.52:17B-194.3) or
43 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.

1 ²['.1'] ; or by the State Office of Emergency Management to survey
2 or monitor the extent of an emergency.²

3 c. Whenever a law enforcement agency utilizes an unmanned
4 aerial '[system] vehicle'¹ in accordance with subsection b. of this
5 section and records a verbal or video communication that is
6 unrelated to an ongoing criminal investigation, the contents of that
7 verbal or video communication, and any information that is derived
8 from that communication, shall be discarded within 14 days.

9 d. Information or records of a verbal or video communication
10 derived from the use of an unmanned aerial '[system] vehicle'¹
11 shall be strictly safeguarded and shall not be made available or
12 disclosed to the public or any third party. The provisions of this
13 section shall not apply to the disclosure of information or records of
14 a verbal or video communication derived from the use of an
15 unmanned aerial '[system] vehicle'¹ to any court or law
16 enforcement agency in carrying out its functions related to the
17 ongoing criminal investigation.

18 e. Any evidence derived from the use of an unmanned aerial
19 '[system] vehicle'¹ in violation of this section shall not be used as
20 evidence in a criminal prosecution.

21

22 2. a. A forest firefighter service established under the
23 Department of Environmental Protection pursuant to R.S.13:9-1 et
24 seq. may utilize an unmanned aerial '[system] vehicle'¹ to survey or
25 monitor the extent of a forest fire.

26 b. Any fire department, paid or volunteer, in this State may
27 utilize an unmanned aerial '[system] vehicle'¹ to survey or monitor
28 the extent of a fire in situations when the unmanned aerial
29 '[system] vehicle'¹ can assist firefighters in obtaining visual and
30 ²[oratory] auditory² information on the damage caused by the fire
31 to a building or other structure.

32 c. Whenever a forest firefighter service, or any fire department,
33 paid or volunteer, utilizes an unmanned aerial '[system] vehicle'¹ in
34 accordance with this section and records a verbal or video
35 communication that is unrelated to an arson investigation, the
36 contents of that verbal or video communication, and any
37 information that is derived from that communication, shall be
38 discarded within 14 days.

39 d. Information or records of a verbal or video communication
40 derived from the use of an unmanned aerial '[system] vehicle'¹
41 shall be strictly safeguarded and shall not be made available or
42 disclosed to the public or any third party.

43

44 ²3. a. Any county emergency management coordinator or
45 municipal emergency management coordinator in this State may
46 utilize an unmanned aerial vehicle to survey or monitor the extent
47 of an emergency in situations when the unmanned aerial vehicle can

1 assist the coordinator in obtaining visual and auditory information
2 on the damage caused by the emergency to that county or
3 municipality.

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

8
9 ²[3.] ^{4.}² a. Each law enforcement agency ²[or] ² fire
10 department ²or county or local Office of Emergency Management²
11 that utilizes an unmanned aerial ¹[system] vehicle¹ shall keep, on
12 location at the agency or department, a record for each ¹[an]¹
13 unmanned aerial ¹[system] vehicle¹ listing the following
14 identifying information:

15 (1) maintenance records for each ¹[a]¹ unmanned aerial
16 ¹[system] vehicle¹;

17 (2) the records of the two most recent calendar years of fuel
18 purchases for each unmanned aerial ¹[system] vehicle¹; ¹and¹

19 (3) any other documentation pertinent to the unmanned aerial
20 ¹[system] vehicle¹ that may be otherwise required under rules or
21 regulations adopted pursuant to section ²[5] ⁶² of P.L. ,

22 c. (C.) (pending before the Legislature as this bill). The
23 Attorney General shall have the authority to inspect these records
24 upon request.

25 b. Each law enforcement agency ²[or] ² fire department ², or
26 county or local Office of Emergency Management² that utilizes an
27 unmanned aerial ¹[system] vehicle¹ shall annually inspect the
28 unmanned aerial ¹[system] vehicle¹ to ensure that the ¹[system]
29 vehicle¹ is being properly maintained, is in good working condition,
30 and is safe to be used in the same proximity as the general public.
31 The person conducting the inspection shall have qualifications,
32 knowledge, and experience in the use and inspection of unmanned
33 aerial ¹[systems] vehicles¹.

34 A report of the annual inspection shall be forwarded to the Office
35 of the Attorney General no later than January 1 of each year. The
36 report also shall include a statement documenting the number of
37 times that an unmanned aerial ¹[system] vehicle¹ was used during
38 the year, as well as a statement of facts establishing the purpose for
39 which the unmanned aerial ¹[system] vehicle¹ was used, and the
40 character of the information that the law enforcement agency or fire
41 department obtained from utilizing the unmanned aerial ¹[system]
42 vehicle¹.

43
44 ²[4.] ^{5.}² No person, including a law enforcement agency ²[or]
45 ² fire department ²or county or local Office of Emergency
46 Management² permitted to utilize an unmanned aerial vehicle

1 pursuant to this act shall operate an unmanned aerial vehicle in this
2 State that is equipped with an anti-personnel device as defined in
3 section 1 of P.L. , c. (C.) (pending before the Legislature
4 as this bill). A person who violates this section shall be guilty of a
5 crime of the fourth degree.

6

7 ²[5.] 6.² The Attorney General, in conjunction with the
8 Superintendent of State Police, shall adopt rules and regulations in
9 accordance with the Administrative Procedure Act, P.L.1968, c.410
10 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

11

12 ²[6.] 7.² This act shall take effect immediately.