

[Third Reprint]

**SENATE, No. 2702**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED APRIL 25, 2013

**Sponsored by:**

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**District 32 (Bergen and Hudson)**

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**Senator Beck, Assemblyman O'Scanlon, Assemblywoman Handlin,  
Assemblymen Coughlin, Chivukula and Senator Greenstein**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Homeland Security and State Preparedness Committee on December 16, 2013, with amendments.

**(Sponsorship Updated As Of: 1/14/2014)**

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 <sup>2</sup>“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;<sup>2</sup> 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) <sup>3</sup>**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) pursuant to the authority of a judicially authorized search**  
36 **warrant issued by a court of competent jurisdiction;**

37 **(2) the law enforcement agency has probable cause to believe**  
38 **that a person has committed a crime, is committing a crime, or is**  
39 **about to commit a crime, and exigent circumstances exist making it**  
40 **unreasonable for the law enforcement agency to obtain a warrant**  
41 **authorizing use of an unmanned aerial vehicle;**

42 **(3) the law enforcement agency has obtained the written consent of**  
43 **an individual or property owner about which the law enforcement**

**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:**

<sup>1</sup>Senate SLP committee amendments adopted June 17, 2013.

<sup>2</sup>Senate floor amendments adopted June 20, 2013.

<sup>3</sup>Assembly AHS committee amendments adopted December 16, 2013.

1 agency seeks to gather information using the unmanned aerial vehicle;  
2 or

3 (4)<sup>3</sup> the unmanned aerial <sup>1</sup>【system】 vehicle<sup>1</sup> is being utilized by  
4 the Missing Persons Unit established pursuant to section 2 of  
5 P.L.1983, c.467 (C.52:17B-9.7) or other law enforcement agency  
6 for a search and rescue mission<sup>1</sup>【,】<sup>1</sup> including<sup>1</sup> <sup>1</sup> but not limited to,  
7 locating a high risk missing person or missing child as defined  
8 under section 1 of P.L.2007, c.279 (C.52:17B-212), or following a  
9 notification that a person is abducted or missing by an Amber Alert  
10 established under section 3 of P.L.2002, c.129 (C.52:17B-194.3) or  
11 Silver Alert under section 1 of P.L.2009, c.167 (C.52:17B-194.4)  
12 <sup>2</sup>【<sup>1</sup>:<sup>1</sup>】 ; or by the State Office of Emergency Management to survey  
13 or monitor the extent of an emergency.<sup>2</sup>

14 c. Whenever a law enforcement agency utilizes an unmanned  
15 aerial <sup>1</sup>【system】 vehicle<sup>1</sup> in accordance with subsection b. of this  
16 section and records a verbal or video communication that is  
17 unrelated to an ongoing criminal investigation, the contents of that  
18 verbal or video communication, and any information that is derived  
19 from that communication, shall be discarded within 14 days.

20 d. Information or records of a verbal or video communication  
21 derived from the use of an unmanned aerial <sup>1</sup>【system】 vehicle<sup>1</sup>  
22 shall be strictly safeguarded and shall not be made available or  
23 disclosed to the public or any third party. The provisions of this  
24 section shall not apply to the disclosure of information or records of  
25 a verbal or video communication derived from the use of an  
26 unmanned aerial <sup>1</sup>【system】 vehicle<sup>1</sup> to any court or law  
27 enforcement agency in carrying out its functions related to the  
28 ongoing criminal investigation.

29 e. Any evidence derived from the use of an unmanned aerial  
30 <sup>1</sup>【system】 vehicle<sup>1</sup> in violation of this section shall not be used as  
31 evidence in a criminal prosecution <sup>3</sup>or disclosed in any other judicial  
32 proceeding, administrative proceeding, arbitration proceeding, or  
33 legislative proceeding, and may not be used to establish reasonable  
34 suspicion or probable cause that an offense has been, is being, or is  
35 about to be committed<sup>3</sup>.

36  
37 2. a. A forest firefighter service established under the  
38 Department of Environmental Protection pursuant to R.S.13:9-1 et  
39 seq. may utilize an unmanned aerial <sup>1</sup>【system】 vehicle<sup>1</sup> to survey or  
40 monitor the extent of a forest fire.

41 b. Any fire department, paid or volunteer, in this State may  
42 utilize an unmanned aerial <sup>1</sup>【system】 vehicle<sup>1</sup> to survey or monitor  
43 the extent of a fire in situations when the unmanned aerial  
44 <sup>1</sup>【system】 vehicle<sup>1</sup> can assist firefighters in obtaining visual and  
45 <sup>2</sup>【oratory】 auditory<sup>2</sup> information on the damage caused by the fire  
46 to a building or other structure.

1 c. Whenever a forest firefighter service, or any fire department,  
2 paid or volunteer, utilizes an unmanned aerial <sup>1</sup>**【system】 vehicle**<sup>1</sup> in  
3 accordance with this section and records a verbal or video  
4 communication that is unrelated to an arson investigation, the  
5 contents of that verbal or video communication, and any  
6 information that is derived from that communication, shall be  
7 discarded within 14 days.

8 d. Information or records of a verbal or video communication  
9 derived from the use of an unmanned aerial <sup>1</sup>**【system】 vehicle**<sup>1</sup>  
10 shall be strictly safeguarded and shall not be made available or  
11 disclosed to the public or any third party.

12 <sup>3</sup>e. A forest firefighter service, or any other fire department, paid  
13 or volunteer, that utilizes an unmanned aerial vehicle pursuant to  
14 this section shall not be subject to the restrictions placed on law  
15 enforcement agencies set forth under subsection b. of section 1 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>3</sup>  
17

18 <sup>2</sup>3. a. Any county emergency management coordinator or  
19 municipal emergency management coordinator in this State may  
20 utilize an unmanned aerial vehicle to survey or monitor the extent  
21 of an emergency in situations when the unmanned aerial vehicle can  
22 assist the coordinator in obtaining visual and auditory information  
23 on the damage caused by the emergency to that county or  
24 municipality.

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

29 <sup>3</sup>c. A county emergency management coordinator or municipal  
30 emergency management coordinator that utilizes an unmanned  
31 aerial vehicle pursuant to this section shall not be subject to the  
32 restrictions placed on law enforcement agencies set forth under  
33 subsection b. of section 1 of P.L. , c. (C. ) (pending before  
34 the Legislature as this bill).<sup>3</sup>  
35

36 <sup>2</sup>**【3.】**<sup>4.</sup><sup>2</sup> a. Each law enforcement agency <sup>2</sup>**【or】**,<sup>2</sup> fire  
37 department <sup>2</sup>or county or local Office of Emergency Management<sup>2</sup>  
38 that utilizes an unmanned aerial <sup>1</sup>**【system】 vehicle**<sup>1</sup> shall keep, on  
39 location at the agency or department, a record for each <sup>1</sup>**【an】**<sup>1</sup>  
40 unmanned aerial <sup>1</sup>**【system】 vehicle**<sup>1</sup> listing the following  
41 identifying information:

42 (1) maintenance records for each <sup>1</sup>**【a】**<sup>1</sup> unmanned aerial  
43 <sup>1</sup>**【system】 vehicle**<sup>1</sup>;

44 (2) the records of the two most recent calendar years of fuel  
45 purchases for each unmanned aerial <sup>1</sup>**【system】 vehicle**<sup>1</sup>; <sup>1</sup>and<sup>1</sup>

1 (3) any other documentation pertinent to the unmanned aerial  
2 <sup>1</sup>**[system] vehicle**<sup>1</sup> that may be otherwise required under rules or  
3 regulations adopted pursuant to section <sup>2</sup>**[5] 6**<sup>2</sup> of P.L. ,  
4 c. (C. ) (pending before the Legislature as this bill). The  
5 Attorney General shall have the authority to inspect these records  
6 upon request.

7 b. Each law enforcement agency <sup>2</sup>**[or]** <sup>2</sup> fire department <sup>2</sup>, or  
8 county or local Office of Emergency Management<sup>2</sup> that utilizes an  
9 unmanned aerial <sup>1</sup>**[system] vehicle**<sup>1</sup> shall annually inspect the  
10 unmanned aerial <sup>1</sup>**[system] vehicle**<sup>1</sup> to ensure that the <sup>1</sup>**[system]**  
11 vehicle<sup>1</sup> is being properly maintained, is in good working condition,  
12 and is safe to be used in the same proximity as the general public.  
13 The person conducting the inspection shall have qualifications,  
14 knowledge, and experience in the use and inspection of unmanned  
15 aerial <sup>1</sup>**[systems] vehicles**<sup>1</sup>.

16 A report of the annual inspection shall be forwarded to the Office  
17 of the Attorney General no later than January 1 of each year. The  
18 report also shall include a statement documenting the number of  
19 times that an unmanned aerial <sup>1</sup>**[system] vehicle**<sup>1</sup> was used during  
20 the year, as well as a statement of facts establishing the purpose for  
21 which the unmanned aerial <sup>1</sup>**[system] vehicle**<sup>1</sup> was used, and the  
22 character of the information that the law enforcement agency or fire  
23 department obtained from utilizing the unmanned aerial <sup>1</sup>**[system]**  
24 vehicle<sup>1</sup>.

25  
26 <sup>2</sup>**[4.] 5.**<sup>2</sup> No person, including a law enforcement agency <sup>2</sup>**[or]**  
27 <sup>2</sup> fire department <sup>2</sup>or county or local Office of Emergency  
28 Management<sup>2</sup> permitted to utilize an unmanned aerial vehicle  
29 pursuant to this act shall operate an unmanned aerial vehicle in this  
30 State that is equipped with an anti-personnel device as defined in  
31 section 1 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill). A person who violates this section shall be guilty of a  
33 crime of the fourth degree.

34  
35 <sup>2</sup>**[5.] 6.**<sup>2</sup> The Attorney General, in conjunction with the  
36 Superintendent of State Police, shall adopt rules and regulations in  
37 accordance with the Administrative Procedure Act, P.L.1968, c.410  
38 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

39  
40 <sup>2</sup>**[6.] 7.**<sup>2</sup> This act shall take effect immediately.