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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

### Sub. H.B. 149

### 135<sup>th</sup> General Assembly

House Aviation and Aerospace

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0378-3)
<b>Terminology</b>	
Uses the terms “uncrewed aerial vehicle” (UAV) and “uncrewed aerial vehicle system” to describe the bill’s subject aerial vehicle.	Changes the terms to “unmanned aerial vehicle” (UAV) and “unmanned aerial vehicle system,” while retaining the bill’s original definitions.
Uses the term “flight data” to describe the images, videos, and recordings the UAV collects.	Changes the term to “surveillance data,” while retaining the bill’s original definition.
Uses the term “flight logistics” to describe the data pertaining to the UAV’s flight, such as duration, path, and mission objectives.	Changes the term to “flight data,” and modifies it to include the data for both the original plan for the flight and the actual flight taken by the UAV.
Specifies that “peace officer” has the same meaning as in R.C. 2921.51. (R.C. 4561.60.)	Expands the meaning of “peace officer” by specifying that it has the same meaning as in R.C. 2935.01. (R.C. 4561.60.)
<b>Warrants and evidence</b>	
Generally prohibits flight data gathered by a UAV and information obtained through that data from being used in a criminal proceeding, unless the data and information were gathered under the authority of a court-issued search warrant.	Instead, specifies that if a peace officer would be required to obtain a search warrant to physically enter a house or a place in person to conduct a search, the peace officer or law enforcement agency must obtain a search warrant to use an UAV to conduct that same search.

Previous Version (As Introduced)	Latest Version (I_135_0378-3)
Prohibits using flight data in an affidavit to obtain a search warrant unless the data was gathered in exigent circumstances or while monitoring public lands or international borders. (R.C. 4561.61.)	No direct provision – would fall under the general warrant requirements and the applicable exemptions. (R.C. 4561.61.)
<b>Exemptions to warrant requirements</b>	
<p>Authorizes using a UAV during or immediately after a weather-related catastrophe to allow a law enforcement agency to better preserve public safety, protect property, and survey, assess, and evaluate damage.</p> <p>No provision.</p> <p>No provision.</p>	<p>Same, but adds using a UAV <i>before</i> the weather-related catastrophe for the same purposes.</p> <p>Authorizes using a UAV to examine the scene of a vehicle accident, monitor traffic congestion, or conduct other forms of traffic law enforcement where a warrant would not be required under current law for the peace officer.</p> <p>Authorizes using a UAV to photograph and record evidence at a crime scene. (R.C. 4561.63(C) to (E).)</p>
<b>Constitutionally protected gatherings</b>	
Prohibits law enforcement from generally conducting surveillance with a UAV of individuals who are lawfully exercising their constitutional rights (R.C. 4561.64(C)).	No provision.
<b>Data retention</b>	
<p>Requires law enforcement to retain the flight logistics for at least five years and the flight data for not more than 90 days, unless the exemption described below applies. (R.C. 4561.65(A)(3) and (B).)</p> <p>Requires law enforcement to retain the flight data for longer if it is relevant to an ongoing investigation or trial and is accompanied by a written statement articulating a reasonable suspicion that the data contains evidence of a crime (R.C. 4561.65(B)).</p>	<p>Requires law enforcement to retain surveillance data and flight data for at least 270 days.</p> <p>Requires law enforcement to retain both the surveillance and flight data longer if it is relevant to an ongoing investigation, trial, or litigation until it is determined that it is no longer necessary for that purpose. (Thus, broadening the reasons for retaining it and eliminating the written supporting statement.) (R.C. 4561.65(B).)</p>

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