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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 149
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Willis

Local Impact Statement Procedure Required: No

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Highlights

- Law enforcement agencies that utilize unmanned aerial vehicles (UAVs) and the courts that have jurisdiction over them may have to expend additional time and effort related to obtaining and issuing search warrants that are not required under existing law.

Detailed Analysis

The bill regulates the use of unmanned aerial vehicles (UAVs) by law enforcement agencies for purposes of surveillance. Most notably, the bill specifies that information obtained through the use of a UAV is not admissible in a criminal proceeding unless the information was obtained pursuant to the authority granted under a properly issued search warrant or under exigent circumstances that constitute an exception to the general search warrant requirement.

Based on conversations with statewide associations representing local law enforcement agencies, it appears that some number of agencies currently use UAVs for scene documentation, situational awareness and tactical deployment at an emergency scene, and for training purposes, in addition to criminal investigations and surveillance. The exact number of agencies using UAVs is unknown. However, the Ohio State Highway Patrol uses such technology routinely, including for crash scene documentation.

The bill permits a law enforcement agency to use a UAV without a search warrant for training purposes however, a strict interpretation of the bill suggests that a law enforcement agency must first obtain a search warrant before using a UAV for scene documentation and

situational awareness or for tactical deployment at an emergency scene in order for that collected evidence to be used in a criminal proceeding.¹

As a result, law enforcement agencies that utilize UAVs and the courts that have jurisdiction over them may have to expend additional time and effort related to obtaining and issuing search warrants that are not currently required under existing law. The impact on any given law enforcement agency or court will vary but will ultimately depend on the number of search warrants requested by law enforcement. Presumably these requests will increase over time as more law enforcement agencies acquire the technology. However, it is also possible that as a result of having to obtain a search warrant for activities such as crash investigations or reconstructions, a law enforcement agency may choose to discontinue or limit its UAV use and revert to other investigative methods that may be more time consuming or less efficient.

¹ The Ohio State Highway Patrol currently obtains a search warrant for UAV surveillance on private property.