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H.B. 149
(1_135_0378-3)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 149's Bill Analysis](#)

Version: In House Aviation and Aerospace

Primary Sponsor: Rep. Willis

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst

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.
- Data storage costs may also increase as law enforcement agencies will be required to retain the flight logistics for at least five years and the flight data for not more than 270 days, unless exempted.

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 unless certain criteria are met or if specified exemptions apply, 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 is not expected to impact a law enforcement agency's ability to use a UAV for these purposes.

In the event that a law enforcement agency chooses to start using UAVs as part of their surveillance efforts, that agency may incur additional costs to comply with the bill's regulations.

Those costs are likely to be minimal annually and may include additional time and effort on behalf of the agency and the court that has jurisdiction over them related to obtaining and issuing search warrants if one is required.

The bill also requires law enforcement agencies utilizing UAVs to retain the flight logistics for at least five years and the flight data for not more than 270 days, unless exempted. As this is a new provision, it is uncertain to what extent data storage costs could be impacted for any impacted law enforcement agency. Costs would depend on the current retention policy for the agency.

Synopsis of Fiscal Effect Changes

The substitute bill (I_135_0378-3) eliminates the potential for costs to obtain and issue search warrants that may otherwise have been incurred under the As Introduced version of the bill for law enforcement agencies that use unmanned aerial vehicles (UAVs) and the courts that have jurisdiction over them. Most notably, for purposes of this fiscal note, the substitute bill:

- Specifies that if a peace officer would be required to obtain a search warrant to physically conduct a search, the peace officer or law enforcement agency must obtain a search warrant to use a UAV to conduct that same search (instead of a general prohibition against using information obtained from a UAV in a criminal proceeding unless a warrant had been obtained);
- Authorizes, as an exemption to warrant requirements, the use of 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, and to photograph and record evidence at a crime scene; and
- Requires law enforcement to retain the flight logistics for at least five years and the flight data for not more than 270 days (rather than 90 days as specified in the As Introduced version), unless exempted.