



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 213
[2013 Senate Bill 196]

Restricting the Use of Drones

2013 Wisconsin Act 213 places restrictions on the use of drones in ways that invade persons' privacy and generally prohibits the operation of weaponized drones.

USE OF DRONES BY LAW ENFORCEMENT AGENCIES

The Act requires a law enforcement agency to obtain a search warrant before it may use a drone to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy. The Act creates exceptions to this requirement for the use of drones in public places and for the following uses of drones:

- In an active search and rescue operation.
- To locate an escaped prisoner.
- To surveil a place or location for the purpose of serving an arrest warrant.
- Where there is a reasonable suspicion that use of a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.

For purposes of this provision, the Act defines "drone" as "a powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely." The Act specifies that a drone may be expendable or recoverable.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

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USE OF DRONES BY INDIVIDUALS

The Act provides that it is a Class A misdemeanor to use a drone with the intent to photograph, record, or otherwise observe an individual in a place or location where the individual has a reasonable expectation of privacy. The penalty for a Class A misdemeanor is a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

For purposes of this provision, the Act defines “drone” as described under the preceding heading.

OPERATION OF WEAPONIZED DRONES

The Act provides that it is a Class H felony to operate a weaponized drone. This provision does not apply to a member of the U.S. Armed Forces or National Guard acting in his or her official capacity. The penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

For purposes of this provision, the Act defines “drone” as “a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely.” Again, it specifies that a drone may be expendable or recoverable. It does not define “weaponized drone.”

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