



## 2013 SENATE BILL 196

1     **AN ACT** *to amend* 114.04; and *to create* 175.55, 941.292 and 942.10 of the  
2             statutes; **relating to:** restricting the use of drones and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3             **SECTION 1.** 114.04 of the statutes is amended to read:  
4             **114.04 Flying and landing, limitations.** ~~Flight~~ Subject to s. 175.55, and  
5             except as provided in s. 942.10, flight of or in aircraft or spacecraft over the lands and  
6             waters of this state is lawful, unless at such a low altitude as to interfere with the  
7             then existing use to which the land or water, or the space over the land or water, is  
8             put by the owner, or unless so conducted as to be imminently dangerous or damaging  
9             to persons or property lawfully on the land or water beneath. The landing of an  
10            aircraft or spacecraft on the lands or waters of another, without the person's consent,

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1 is unlawful, except in the case of a forced landing. For damages caused by a forced  
2 landing, however, the owner or lessee of the aircraft or spacecraft or the aeronaut or  
3 astronaut shall be liable, as provided in s. 114.05.

4 **SECTION 2.** 175.55 of the statutes is created to read:

5 **175.55 Use of drones restricted. (1)** In this section:

6 (a) “Drone” means a powered, aerial vehicle that carries or is equipped with a  
7 device that, in analog, digital, or other form, gathers, records, or transmits a sound  
8 or image, that does not carry a human operator, uses aerodynamic forces to provide  
9 vehicle lift, and can fly autonomously or be piloted remotely. A drone may be  
10 expendable or recoverable.

11 (b) “Wisconsin law enforcement agency” has the meaning given in s. 165.77 (1)

12 (c) and includes the department of justice and a tribal law enforcement agency.

13 **(2)** No Wisconsin law enforcement agency may use a drone to gather evidence  
14 or other information in a criminal investigation from or at a place or location where  
15 an individual has a reasonable expectation of privacy without first obtaining a  
16 search warrant under s. 968.12. This subsection does not apply to the use of a drone  
17 in a public place or to assist in an active search and rescue operation, to locate an  
18 escaped prisoner, to surveil a place or location for the purpose of executing an arrest  
19 warrant, or if a law enforcement officer has reasonable suspicion to believe that the  
20 use of a drone is necessary to prevent imminent danger to an individual or to prevent  
21 imminent destruction of evidence.

22 **SECTION 3.** 941.292 of the statutes is created to read:

23 **941.292 Possession of a weaponized drone. (1)** In this section, “drone”  
24 means a powered, aerial vehicle that does not carry a human operator, uses

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1 aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted  
2 remotely. A drone may be expendable or recoverable.

3 (2) Whoever operates any weaponized drone is guilty of a Class H felony. This  
4 subsection does not apply to a member of the U.S. armed forces or national guard  
5 acting in his or her official capacity.

6 **SECTION 4.** 942.10 of the statutes is created to read:

7 **942.10 Use of a drone.** Whoever uses a drone, as defined in s. 175.55 (1) (a),  
8 with the intent to photograph, record, or otherwise observe another individual in a  
9 place or location where the individual has a reasonable expectation of privacy is  
10 guilty of Class A misdemeanor. This section does not apply to a law enforcement  
11 officer authorized to use a drone pursuant to s. 175.55 (2).

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(END)