

2013 Senate Bill 196 (LRB -2388)

An Act to amend 114.04; and to create 175.55, 941.292, 942.10 and 972.113 of the statutes; relating to: restricting the use of drones and providing a penalty.

2013

05-23. S. Introduced by Senators **Petrowski, Erpenbach, Risser, Grothman, Hansen, Schultz and L. Taylor**; cosponsored by Representatives **August, Kessler, Craig, C. Taylor, Ballweg, Berceau, Born, Czaja, Hebl, Kestell, Loudenbeck, Murphy, Murtha, Ohnstad, A. Ott, Pope, Sanfelippo, Shankland, Spiros, Thiesfeldt, Tittl and Tranel**. 237

05-23. S. Read first time and referred to Committee on Government Operations, Public Works, and Telecommunications 237

11-05. S. Senate Amendment 1 offered by Senator Petrowski (**LRB a0968**) 458

2014

01-15. S. Public hearing held

01-30. S. Senate Amendment 2 offered by Senator Petrowski (**LRB a1528**) 618

02-13. S. Executive action taken

02-13. S. Report adoption of Senate Amendment 1 recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0 663

02-13. S. Report adoption of Senate Amendment 2 recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0 663

02-13. S. Report passage as amended recommended by Committee on Government Operations, Public Works, and Telecommunications, Ayes 7, Noes 0 663

02-13. S. Available for scheduling

02-17. S. Placed on calendar 2-18-2014 pursuant to Senate Rule 18(1) 674

02-18. S. Read a second time 681

02-18. S. **Senate Amendment 1 adopted** 681

02-18. S. **Senate Amendment 2 adopted** 681

02-18. S. Ordered to a third reading 681

02-18. S. Rules suspended 681

02-18. S. Read a third time and **passed** 681

02-18. S. Ordered immediately messaged 682

02-18. A. Received from Senate 672

02-20. A. Read first time and referred to committee on Rules 682

03-18. A. Made a special order of business at 10:23 AM on 3-20-2014 pursuant to Assembly Resolution 28 766

03-19. A. Assembly Amendment 1 offered by Representative August (**LRB a2190**) 773

03-20. A. Read a second time 780

03-20. A. **Assembly Amendment 1 adopted** 780

03-20. A. Ordered to a third reading 780

03-20. A. Rules suspended 780

03-20. A. Read a third time and **concurred in** as amended 780

03-20. A. Ordered immediately messaged 780

03-21. S. Received from Assembly amended and concurred in as amended, Assembly Amendment 1 adopted 805

03-21. S. Available for scheduling

03-31. S. Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1) 822

04-01. S. Assembly Amendment 1 **concurred in**

04-01. S. Action ordered immediately messaged

SB

2013

ENROLLED BILL

13en S B-196

ADOPTED DOCUMENTS:

✓ Orig Engr SubAmdt

✓ ✓
13-2388/1

Amendments to above (if none, write "NONE"):

✓ SA1 — a 0968/1 ✓

✓ AA1 — a 2190/1 ✓

✓ SA2 — a 1528/1 ✓

Corrections - show date (if none, write "NONE"):

None ✓✓✓

Topic

Rel

4-2-14

Date

JR Miller

Enrolling Drafter



2013 SENATE BILL 196

May 23, 2013 – Introduced by Senators PETROWSKI, ERPENBACH, RISSER, GROTHMAN, HANSEN, SCHULTZ and L. TAYLOR, cosponsored by Representatives AUGUST, KESSLER, CRAIG, C. TAYLOR, BALLWEG, BERCEAU, BORN, CZAJA, HEBL, KESTELL, LOUDENBECK, MURPHY, MURTHA, OHNSTAD, A. OTT, POPE, SANFELIPPO, SHANKLAND, SPIROS, THIESFELDT, TITTL and TRANEL. Referred to Committee on Government Operations, Public Works, and Telecommunications.

1 AN ACT *to amend* 114.04; and *to create* 175.55, 941.292, 942.10 and 972.113 of
2 the statutes; **relating to:** restricting the use of drones and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill restricts the use of drones. The bill defines a drone as a powered, aerial vehicle that does not carry a human operator, uses aerodynamic vehicle lift, and can fly autonomously or be piloted remotely.

Under the bill, no law enforcement agency may use a drone that is equipped with video or audio recording equipment to collect evidence or information in a criminal investigation without first obtaining a search warrant. The bill allows a law enforcement agency to use a drone without a search warrant if it is necessary to do so for certain emergency purposes, including to locate an escaped prisoner, to aid in a search and rescue mission, or to prevent imminent harm to a person or the imminent destruction of evidence. Under the bill, evidence obtained by a drone in violation of the law is not admissible in a criminal proceeding.

Under the bill, a person who sells, possesses, or uses a weaponized drone is guilty of a Class H felony, and may be fined up to \$10,000, imprisoned for up to six years, or both. The bill prohibits a person, except a law enforcement officer who has a search warrant or is acting for a permissible emergency purpose, from using a drone that is equipped with video or audio recording equipment to photograph, record, or otherwise observe another individual in a place where the individual has a reasonable expectation of privacy. Anyone who does so is guilty of a Class A misdemeanor, and may be fined up to \$10,000, imprisoned for up to nine months, or both.

SENATE BILL 196

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 114.04 of the statutes is amended to read:

2 **114.04 Flying and landing, limitations.** ~~Flight~~ Subject to s. 175.55, and
3 except as provided in s. 942.10, flight of or in aircraft or spacecraft over the lands and
4 waters of this state is lawful, unless at such a low altitude as to interfere with the
5 then existing use to which the land or water, or the space over the land or water, is
6 put by the owner, or unless so conducted as to be imminently dangerous or damaging
7 to persons or property lawfully on the land or water beneath. The landing of an
8 aircraft or spacecraft on the lands or waters of another, without the person's consent,
9 is unlawful, except in the case of a forced landing. For damages caused by a forced
10 landing, however, the owner or lessee of the aircraft or spacecraft or the aeronaut or
11 astronaut shall be liable, as provided in s. 114.05.

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

13 **175.55 Use of drones restricted.** (1) In this section:

14 (a) "Drone" means a powered, aerial vehicle that carries or is equipped with a
15 recording device, as defined in s. 943.49 (1) (c), that does not carry a human operator,
16 uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be
17 piloted remotely. A drone may be expendable or recoverable.

18 (b) "Wisconsin law enforcement agency" has the meaning given in s. 165.77 (1)

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

✕
INS. SAI-1

SENATE BILL 196

1 (2) No Wisconsin law enforcement agency may use a drone to gather evidence
 2 or other information in a criminal investigation ~~without first obtaining a search~~ *INS, AAI*
 3 warrant under s. 968.12. This subsection does not apply to the use of a drone ~~to assist~~ *INS, SAI-2*
 4 in an active search and rescue operation, to locate an escaped prisoner, ~~or if a law~~
 5 enforcement officer has reasonable suspicion to believe that the use of a drone is *INS, SA2*
 6 necessary to prevent imminent danger to an individual or to prevent imminent
 7 destruction of evidence.

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

9 **941.292 Possession of a weaponized drone.** (1) In this section, "drone"
 10 means a powered, aerial vehicle that does not carry a human operator, uses
 11 aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted
 12 remotely. A drone may be expendable or recoverable. *SAI-3*

13 (2) Whoever ~~sells, transports, manufactures, possesses, or~~ operates any
 14 weaponized drone is guilty of a Class H felony. *INS, SAI-4*

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

16 **942.10 Use of a drone.** Whoever uses a drone, as defined in s. 175.55 (1) (a),
 17 to photograph, record, or otherwise observe another individual in a place
 18 individual has a reasonable expectation of privacy is guilty of Class A misdemeanor.
 19 This section does not apply to a law enforcement officer authorized to use a drone
 20 pursuant to s. 175.55 (2). *INS, SAI-5*

21 SECTION 5. 972.113 of the statutes is created to read:

22 **972.113 Evidence obtained by a drone.** Evidence or information obtained
 23 or collected in violation of s. 175.55 is not admissible in evidence in any criminal
 24 proceeding. *AAI-2*

25 (END)



**SENATE AMENDMENT 1,
TO SENATE BILL 196**

November 5, 2013 - Offered by Senator PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 2, line 15: delete "recording device, as defined in s. 943.49 (1) (c)" and
3 substitute "device that, in analog, digital, or other form, gathers, records, or
4 transmits a sound or image".

SAI-1

5 ~~2.~~ Page 3, line 3: after "use of a drone" insert "in a public place or".

SAI-2

6 ~~3.~~ Page 3, line 13: delete "sells, transports, manufactures, possesses, or".

SAI-4

7 ~~4.~~ Page 3, line 14: after "felony." insert "This subsection does not apply to a
8 member of the U.S. armed forces or national guard acting in his or her official
9 capacity".

10 ~~5.~~ Page 3, line 16: after "175.55 (1) (a)," insert "with the intent".

SAI-5

11 ~~6.~~ Page 3, line 17: after "place" insert "or location".

12

(END)

SAI-6



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1528/1
PJH:kjf:jf

SENATE AMENDMENT 2,
TO SENATE BILL 196

January 30, 2014 - Offered by Senator PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 3, line 4: after "prisoner," insert "to surveil a place or location for the
3 purpose of executing an arrest warrant".

4 (END)

SA2



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa2190/1
PJH:sac:rs

ASSEMBLY AMENDMENT 1,
TO SENATE BILL 196

March 19, 2014 - Offered by Representative AUGUST.

1 At the locations indicated, amend the bill as follows:

2 ~~1.~~ Page 3, line 2: after "investigation" insert "from or at a place or location
3 where an individual has a reasonable expectation of privacy".

4 ~~2.~~ Page 3, line 21: delete lines 21 to 24.

5 (END)

AAI