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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2013 Senate Bill 196</b>	<b>Senate Amendments 1 and 2</b>
<i>Memo published: February 14, 2014</i>	<i>Contact: David Lovell, Principal Analyst (266-1537)</i>

### **2013 Senate Bill 196**

2013 Senate Bill 196 relates to the use of drones in the observation or surveillance of persons.

The bill requires a law enforcement agency to obtain a warrant prior to using a drone to collect evidence. It provides exceptions to this requirement for the use of a drone in an active search and rescue operation; to locate an escaped prisoner; and in an emergency to prevent imminent danger to an individual or imminent destruction of evidence. Evidence obtained in violation of this provision is not admissible in any criminal proceeding.

The bill provides that it is a Class H felony to sell, transport, manufacture, possess, or operate a weaponized drone.

The bill provides that, except for a law enforcement agency, it is a Class A misdemeanor to use a drone to photograph, record, or otherwise observe another individual in a place where the individual has a reasonable expectation of privacy.

### **Senate Amendment 1 to Senate Bill 196**

Senate Amendment 1 makes the following changes to the bill:

- Provides a definition of “recording device.”
- Adds an exception to the requirement that a law enforcement agency obtain a warrant prior to using a drone to gather evidence if the drone is being used in a public place.
- Deletes the prohibition on the sale, transportation, manufacture, or possession of a weaponized drone, but leaves in place the prohibition on the use of a weaponized

drone. It further specifies that this prohibition does not apply to a member of the U.S. armed forces or national guard acting in an official capacity.

- Limits the prohibition on using a drone to observe an individual in a place where the individual has a reasonable expectation of privacy to apply to the **intentional** use of a drone for such a purpose.

### **Senate Amendment 2 to Senate Bill 196**

Senate Amendment 2 adds an exception to the requirement that a law enforcement agency obtain a warrant prior to using a drone to gather evidence if the drone is being used for the purpose of executing an arrest warrant.

### **Bill History**

2013 Senate Bill 196 was introduced by Senator Petrowski and others on May 23, 2013. Senate Amendment 1 was introduced by Senator Petrowski on November 5, 2013, and Senate Amendment 2 was introduced by Senator Petrowski on January 30, 2014.

On February 13, 2014, the Senate Committee on Government Operations, Public Works, and Telecommunications voted to recommend adoption of Senate Amendments 1 and 2 and passage of 2013 Senate Bill 196, as amended, on votes of Ayes, 7; and Noes, 0.

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