

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in wiretapping and electronic
3 surveillance, further providing for definitions; and
4 providing for drones.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5702 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 5702. Definitions.

10 As used in this chapter, the following words and phrases
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "Drone." A powered unmanned aerial vehicle or system that
15 can be piloted remotely or fly by itself without the possibility
16 of direct human intervention from within the vehicle.

17 * * *

18 Section 2. Title 18 is amended by adding a section to read:

1 § 5762. Drones.

2 (a) General rule.--Except as provided under subsection (b),
3 no State or local government, department, agency or
4 instrumentality having jurisdiction over criminal law
5 enforcement or regulatory violations shall employ the use of a
6 drone.

7 (b) Exceptions.--Subsection (a) shall not apply to the
8 following:

9 (1) A use permitted by a court of competent jurisdiction
10 pursuant to a properly issued warrant.

11 (2) A use in connection with an Amber Alert which is
12 activated pursuant to the act of November 24, 2004 (P.L.1270,
13 No.153), referred to as the Pennsylvania Amber Alert System
14 Law.

15 (3) Any use in connection with an emergency declared by
16 a government official under 35 Pa.C.S. (relating to health
17 and safety).

18 (4) For the purpose of a search or rescue operation.

19 (5) If it is reasonable to believe that use of a drone
20 is necessary to alleviate an imminent threat of death or
21 grave injury to a person.

22 (6) For training exercises related to one of the
23 exceptions listed under paragraphs (1), (2), (3), (4) and
24 (5).

25 (c) Pennsylvania National Guard.--The prohibition under this
26 section shall not apply to the Pennsylvania National Guard while
27 utilizing a drone in any of the following situations:

28 (1) During training required to maintain readiness for
29 Pennsylvania National Guard's Federal missions.

30 (2) If facilitating training for other United States

1 Department of Defense units.

2 (3) If the drone is utilized to support the Commonwealth
3 for purposes other than law enforcement, including damage
4 assessment, flood stages and wildfire assessment.

5 (d) Grading.--A person who violates this section commits a
6 misdemeanor of the third degree.

7 (e) Reporting.--The following shall apply:

8 (1) On or before April 1 following the effective date of
9 this section and annually on or before April 1 thereafter,
10 the Pennsylvania State Police shall make a report on the
11 operation of drones under this section to the Judiciary
12 Committee of the Senate and the Judiciary Committee of the
13 House of Representatives. The reports shall contain the
14 following information for the previous calendar year:

15 (i) Listed separately, the number of times a drone
16 has been used pursuant to each exception under subsection
17 (b).

18 (ii) The number of criminal investigations in which
19 a drone was used, including the number of investigations
20 which resulted in no arrest or prosecution and the number
21 of investigations which resulted in arrests made and a
22 description of the type of charges filed.

23 (iii) The annual cost to each State or local
24 government, department, agency or instrumentality to
25 operate its drones.

26 (2) On or before March 1 following the effective date of
27 this section and each March 1 annually thereafter, each State
28 or local government department, agency or instrumentality
29 making use of a drone shall provide to the Pennsylvania State
30 Police, on forms prescribed by the Pennsylvania State Police,

1 the information under paragraph (1) with respect to the use
2 of a drone by that department, agency or instrumentality.

3 (3) A report made under this subsection shall considered
4 a public record under the act of February 14, 2008 (P.L.6,
5 No.3), known as the Right-to-Know Law.

6 Section 3. This act shall take effect in 60 days.