



ALERTS

Minnesota Lawmakers Take A Major Step Toward Regulating Police Use Of Drones

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On Oct. 10, 2019, the Minnesota joint House-Senate Subcommittee on Data Practices unanimously passed [Bill SC5562-5](#), aiming to regulate law enforcement use of unmanned aerial vehicles (UAVs) and to classify data collected using a UAV.

If this bill is signed into law, it will authorize Minnesota law enforcement agencies to use UAVs (or drones) to carry out their duties.

The bill would require police to obtain a warrant prior to using drones in the majority of situations, though there are several exceptions where police may use a drone without first obtaining a warrant:

- During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person
- Over a public event where there is a heightened risk to the safety of participants or bystanders
- To counter a risk of terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates this risk
- To prevent the loss of life and property in natural or man-made disasters and to facilitate the operational planning, rescue, and recovery operations in the aftermath of those disasters
- To conduct a threat assessment in anticipation of a specific

RELATED PEOPLE



Clifford G. Maine
Of Counsel (Retired)

P 616-742-3944
clifford.maine@btlaw.com



Todd A. Dixon
Partner
Grand Rapids, Indianapolis

P 616-742-3959
F 616-742-3999
todd.dixon@btlaw.com



Kenneth D. Suzan
Of Counsel
Minneapolis

P 612-367-8713
F 612-333-6798
ksuzan@btlaw.com

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- To collect information from a public area if there is reasonable suspicion of criminal activity
- To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road
- Over a public area for officer training or public relations purposes
- For a non-law enforcement purpose at the request of a governmental entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use

The bill would also limit law enforcement use of drones by prohibiting the warrantless use of facial recognition or biometric-matching technology, warrantless collection of data on public protests or demonstrations, weapon mounting of drones, and more.

In addition to authorizing direct use of UAVs by police, the bill would permit “a law enforcement agency to make otherwise private or nonpublic UAV data accessible to others if disclosure will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.”

Passing the Subcommittee on Data Practices means that the House and Senate committees will consider the bill next. As it moves through the legislative process, the bill is likely to face vigorous debate and further amendments, particularly considering previous versions had both House and Senate support during the 2019 session before backroom negotiations reportedly ultimately stifled the bill.

To obtain more information, please contact the Barnes & Thornburg attorney with whom you work, or Clifford G. Maine at 616-742-3944 or clifford.maine@btlaw.com, Todd A. Dixon at 616-742-3959 or todd.dixon@btlaw.com, Kenneth D. Suzan at 612-367-8713 or kenneth.suzan@btlaw.com, or Shane Solinger at 612-367-8708 or shane.solinger@btlaw.com.

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