

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 15-0527  
**Prime Sponsor(s):** Sen. Newell

**Date:** January 22, 2015  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** USE OF UNMANNED AERIAL VEHICLES

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Minimal workload increase.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This bill establishes a framework for regulating the use of unmanned aerial vehicles (commonly referred to as drones) within Colorado. Under the bill, a law enforcement agency (LEA) may use a drone when:

- it receives a search warrant authorizing the use of a drone;
- it is needed to prevent imminent harm to life or to forestall the escape of a criminal suspect or destruction of evidence; and
- there is a high risk of terror attack as determined by the federal Department of Homeland Security.

An LEA must receive approval by the Federal Aviation Administration (FAA) prior to using a drone, which may not exceed 25 pounds. Information collected by an LEA through the use of a drone must be destroyed within 14 days unless it determines there is reasonable suspicion that the information contains evidence of criminal activity or is related to an ongoing investigation or pending criminal trial. If an LEA uses a drone to prevent imminent harm to life or to forestall the escape of a criminal suspect or destruction of evidence it must, within 24 hours, prepare and retain a report concerning the use of the drone. In these circumstances, the drone may be used for a maximum of 48 hours.

Finally, the bill clarifies that the private use of drones must comply with FAA regulations.

**Background**

The use of drones is regulated by the FAA, although at least 20 states have enacted legislation regarding their use. Depending on the location, drones are used in a variety of contexts, including law enforcement, land surveillance, wildlife tracking, search and rescue operations, disaster response, border patrol, and photography. In Colorado, several law enforcement agencies including the Mesa County Sheriff's Department, use drones. Colorado Parks and Wildlife (CPW) within the Department of Natural Resources, also uses drones to monitor wildlife.

**State Expenditures**

This bill will increase workload for the trial courts in the Judicial Department by a minimal amount. By requiring an LEA to obtain a search warrant prior to using a drone in non-urgent situations, petitions and hearings will increase. The fiscal note assumes that such requests will be minimal and that the Judicial Department can accomplish this work without an increase in appropriations. The fiscal note further assumes that CPW activities are not impacted by the bill.

**Local Government Impact**

This bill explicitly authorizes LEAs to use drones under certain conditions. Agencies with existing approval from the FAA to operate drones will be required to meet the conditions of the bill, which may increase workload. To the extent that other units of law enforcement purchase drones as a result of the permission granted in the bill, costs will increase.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Counties	Judicial	Local Affairs
Municipalities	Natural Resources	Public Safety
Sheriffs	Special Districts	Transportation