

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

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

Date: May 26, 2015
Bill Status: Postponed Indefinitely
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BILL TOPIC: USE OF UNMANNED AERIAL VEHICLES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: 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 was postponed indefinitely by the Senate Judiciary Committee on February 25, 2015.

State and Local Government Contacts

Counties
Municipalities
Sheriffs

Judicial
Natural Resources
Special Districts

Local Affairs
Public Safety
Transportation