



To: House Judiciary Committee

From: Kevin Campbell, Executive Director
Oregon Association Chiefs of Police

Date: April 2, 2013

Re: Testimony regarding HB 2710 with Dash 1 Amendment
State Regulation of Unmanned Aircraft Systems

Chair Barker and Members of Committee, for the record my name is Kevin Campbell and I'm the Executive Director of the Oregon Association Chiefs of Police. I'm here today to comment on the dash 1 amendment to HB 2710.

I want to begin by thanking Representative Huffman and the members of the committee for engaging in a thoughtful approach to addressing what is a very complicated issue. Other states around the U.S. are attempting to navigate the appropriate use of this new technology and many are failing to pass legislation (see Washington State, HB 1771 and Virginia's two year moratorium). The rapidly evolving technology combined with an expectation that the FAA will continue to issue new regulations regarding the use of unmanned aircraft systems makes legislation complex. Already, the FAA regulates Unmanned Aircraft. PL 112-95 which is the FAA Reauthorization Act, includes the following current guidelines:

- Flown under 400 ft
- Within Class G airspace
- In daylight conditions only
- Within line of sight of the operator
- Outside of five statute miles of airports, etc.

The over 300 members of the Oregon Association Chiefs of Police approach the use of this new technology with the following in mind:

- The use of new technologies for public safety purposes cannot and should not abridge the privacy protections guaranteed through the Fourth Amendment to the U.S Constitution, our State of Oregon Constitution and a well vetted history of case law. In this regard, we believe we must approach the use of unmanned aircraft systems for law enforcement purposes with these important protections in mind. In addition, we believe the court system is well suited to evaluate the proper use of these technologies and other

emerging technologies over time. In fact, there is existing case law regarding the use of technological enhancements to observe areas within a constitutionally protected area (FLIR Camera) and minimum altitudes over a constitutionally protected area. They are the Kyllo Case and the Riley Case.

- The use of unmanned aircraft systems for public safety has tremendous potential. It is sometimes easier to focus on uses of this technology that are inappropriate in light of privacy right protections. We want to make sure that any legislation allows the use of these systems for a number of positive applications where traditional law enforcement is less safe, efficient, effective and cost effective.

The following are a few examples and others will be identified as the technology evolves:

- Traffic crash reconstruction
- Hazardous material response
- Monitoring traffic conditions and evaluating vehicle crashes
- Barricaded suspects, hostage situations and active shooter incidents
- Search and Rescue applications

As legislation is adopted to address the use of new technologies like unmanned aircraft systems, we want to insure that the wide range of positive applications are allowed and we want to avoid unintended consequences.

A few specific comments regarding HB 2710 with the dash 1 amendments

We would like to request that the term drone be removed from this legislation in favor of the term Unmanned Aircraft System. In addition, the current definition of drone is overly broad and would encompass a paper airplane. We would recommend utilizing the FAA definition of UAS:

Unmanned Aircraft: A device used or intended to be used for flight in the air that has no onboard pilot. This includes all classes of airplanes, helicopters, airships, and translational lift aircraft that have no onboard pilot. Unmanned aircraft are understood to include only those aircraft controllable in three axes and therefore, exclude traditional balloons.

Thank you for the opportunity to testify on this important issue. The OACP continues to evaluate HB 2710-1 and may have additional comments and questions. Thank you again for including our members in this process and for carefully and constructively addressing the complexity of the issue. We would like to participate in any additional work group meetings necessary to finalize the language of this measure.

Thank you!