

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1612

January 14, 2020

SUMMARY OF BILL: Authorizes law enforcement agencies to utilize drones without a search warrant or recognized warrant exception to provide aerial coverage for the purpose of security for an event open to the public where attendance is expected to exceed 100 persons or to investigate the scene of a crime that is occurring or has occurred.

Requires footage obtained by use of a drone be made publically available on the internet within one day of collection and to be deleted within three days of collection unless directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-609(d), state and local law enforcement agencies are authorized to utilize drones in certain circumstances.
- The proposed language would authorize law enforcement agencies to also utilize drones without obtaining a search warrant if used in compliance with applicable Federal Aviation Administration rules to provide aerial coverage for the purpose of providing or enhancing security for an event open to the public and where attendance is expected to exceed one hundred persons, including, but not limited to, music concerts, athletic events, festivals, fairs, and other outdoor events or to investigate the scene of a crime that is occurring or has occurred.
- The proposed language would require any footage obtained by use of a drone be made publically available on the internet within one day of collection.
- Law enforcement agencies can make video collected by use of a drone in these circumstances available via the internet within existing resources.
- The legislation further requires footage to be deleted within three days of collection unless directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected is directly relevant to both, it must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone.

- Pursuant to § 39-13-609(e)(2)(A), any data obtained by use of a drone shall be deleted within three business days of collection unless it is directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected or obtained is directly relevant to both, it shall be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone.
- Requiring law enforcement agencies to follow the same policies and procedures currently in place for other data collected when retaining or deleting data collected through use of a drone will not result in any significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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