OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

H.B. 251
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 251's Bill Analysis

Version: As Reported by House Transportation

Primary Sponsor: Rep. Willis

Local Impact Statement Procedure Required: No

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Highlights

- Law enforcement agencies that utilize unmanned aerial vehicles (UAVs) and the courts that have jurisdiction over them may have to expend additional time and effort related to obtaining and issuing search warrants that are not required under existing law.
- Data storage costs may also increase as law enforcement agencies will be required to retain surveillance or flight data related to ongoing cases until that data is no longer necessary.

Detailed Analysis

Unmanned aerial vehicles

The bill regulates the use of unmanned aerial vehicles (UAVs) by law enforcement agencies for purposes of surveillance. Most notably, the bill specifies that unless certain criteria are met or if specified exemptions apply, information obtained through the use of a UAV is not admissible in a criminal proceeding unless the information was obtained pursuant to the authority granted under a properly issued search warrant or under exigent circumstances that constitute an exception to the general search warrant requirement. Based on conversations with statewide associations representing local law enforcement agencies, it appears that some number of agencies currently use UAVs for scene documentation, situational awareness and tactical deployment at an emergency scene, and for training purposes, in addition to criminal investigations and surveillance. The exact number of agencies using UAVs is unknown. However, the Ohio State Highway Patrol uses such technology routinely, including for crash scene documentation. The bill is not expected to impact a law enforcement agency's ability to use a UAV for these purposes.

If a law enforcement agency chooses to start using UAVs as part of their surveillance efforts, that agency may incur additional costs to comply with the bill's regulations. Those costs are likely to be minimal annually and may include additional time and effort on behalf of the agency and the court that has jurisdiction over them related to obtaining and issuing search warrants if one is required.

The bill also requires law enforcement agencies utilizing UAVs to retain any surveillance data or flight data that is relevant to an ongoing investigation, trial, or litigation until it is determined that such data is no longer necessary for that purpose. As this is a new provision, it is uncertain to what extent data storage costs could be impacted for any impacted law enforcement agency. Costs would depend on the current retention policy for the agency.[1]

Aeronautics Law

The bill makes modifications to the Aeronautics Law in three different ways that do not appear to have any fiscal impact on the Ohio Department of Transportation (ODOT). First, the bill adds seaplane bases, heliports, vertiports, and spaceports to the law pertaining to landing and takeoff of aircraft. Secondly, the bill adds the establishment, operation, maintenance, repair, and improvement of seaplane bases, heliports, vertiports, and spaceports into the definition of aviation. Finally, the bill clarifies that ODOT must issue a certificate of approval before any seaplane base, heliport, vertiport, or spaceport may be used for commercial purposes.

Under existing law, these facilities currently appear to be required to obtain a certificate of approval as a kind of airport or landing area, rather than a certificate under the precise name specified in the bill. The certification process that exists under current law appears to be the same as what is required under the bill. Because the bill does not alter any of ODOT's existing certification processes related to these facilities, there appears to be no fiscal impact to ODOT attached to the changes in the bill.

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[1] The bill specifies that UAV flight and surveillance data is a public record under the Public Records Law, unless an exemption under the law applies to that data.