

HOUSE BILL NO. 257

INTRODUCED BY W. CURDY, N. DURAM

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING INFORMATION COLLECTED BY AN UNMANNED AERIAL VEHICLE INVESTIGATING A MOTOR VEHICLE ACCIDENT CRASH SCENE TO BE ADMITTED INTO EVIDENCE OR USED TO OBTAIN SEARCH WARRANTS; AND AMENDING SECTION 46-5-109, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-5-109, MCA, is amended to read:

"46-5-109. Limitations on unmanned aerial vehicles. (1) In any prosecution or proceeding within the state of Montana, information from an unmanned aerial vehicle is not admissible as evidence unless the information was obtained:

- (a) pursuant to the authority of a search warrant; ~~or~~
- (b) in accordance with judicially recognized exceptions to the warrant requirement; or
- (c) during the investigation of a motor vehicle accident CRASH SCENE that occurs on or involves a public roadway.

(2) Information obtained from the operation of an unmanned aerial vehicle may not be used in an affidavit of probable cause in an effort to obtain a search warrant unless the information was obtained under the circumstances described in subsection (1)(a), ~~or~~ (1)(b), or (1)(c) or was obtained through the monitoring of public lands or international borders.

(3) For the purposes of this section, "unmanned aerial vehicle" means an aircraft that is operated without direct human intervention from on or within the aircraft. The term does not include satellites."

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