

2025 HOUSE JUDICIARY

HB 1613

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1613
2/4/2025

A BILL for an Act to create and enact a new section to chapter 29-01 of the North Dakota Century Code, relating to law enforcement use of a drone or robot.

2:33 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Tveit, Wolff, Schneider

Members Absent: Representatives Satrom, VanWinkle

Discussion Topics:

- North Dakota law enforcement agencies
- Current use of law enforcement drones and robots in North Dakota
- Use of lethal force while using drones or robots

2:33 p.m. Representative Jared Hendrix, North Dakota Representative for District 10, introduced the bill and provided testimony #34716.

2:56 p.m. Dave Draovitch, Chief at Bismarck Police Department, testified in favor.

3:05 p.m. Dustin Miller, Seargent at the Bismarck Police Department, testified in opposition and provided testimony #34029.

3:21 p.m. Stephanie Engebretson, Chiefs of Police Association, testified in opposition.

3:22 p.m. Jason Ziegler, Chief of Police at the Mandan Police Department, testified in opposition.

3:28 p.m. Donnell Preskey, North Dakota Association of Counties, testified in opposition.

3:29 p.m. Calvin Benson, North Dakota Peace Officers Association, testified in opposition.

3:37 p.m. Vice-Chair Karls moved to Amend and hoghouse the bill and stating the provisions of chapter 29-29.4 relating to unmanned aerial vehicles also apply to the use of robots by law enforcement.

3:37 p.m. Representative Christianson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y

Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:39 p.m. Motion passed 12-0-2

3:39 p.m. Representative Henderson moved a Do Pass as Amended.

3:39 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:40 p.m. Motion passed 12-0-2

3:41 p.m. Representative Christianson will carry the bill.

Bill was brought back for reconsideration on February 5, 2025, due to an amendment error, testimony #37926

Additional written testimony:

Wallace Keller, Independent, submitted testimony in opposition #33671

Casey Yunck, Sergeant at the Stutsman County Sheriff's Office, submitted testimony in opposition #33930

Jason Freedman, Chief of Police at the Grand Forks Police Department, submitted testimony in opposition #34445

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Judiciary Committee, submitted neutral testimony #37926.

3:42 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

My name is Wallace Keller and I am providing this testimony in opposition to HB 1613.

I regret that I cannot testify in-person due to a work conflict.

I do not support this bill as I believe it will potentially place the lives of Law Enforcement and the public in unnecessary jeopardy. Why would you risk a life when you can utilize a machine? I contend this should not even be a question.

Law enforcement agencies may use Unmanned Aerial Vehicles (UAV)/Robots for a variety of purposes. For instance, they may use drones/robots to gather intelligence prior to conducting an operation. This can help with identifying where a suspect may be hiding or by visualizing the layout of a building before officers enter. Drones/robots can also be used to support an operation that is underway; for example, by live streaming an operation to monitor where a suspect exited a building or to illuminate where a suspect might have discarded evidence when officers cannot see all the possibilities from the ground or remote locations. Drones/robots can also be used to collect photo evidence in instances where access may be hindered or dangerous. They can also provide remote communications, such as with a hidden suspect or one who has taken hostages—and distance may provide a valuable safety buffer to officers, potential victims, and others nearby. Tethered Surveillance Robots play a crucial role in hostage situations, where human intervention can be risky. Equipped with cameras and two-way communication systems, these robots allow negotiators to establish contact with hostage-takers while maintaining a safe distance. If a person has isolated themselves and potentially others in a closed-off location and refuses to engage with responders, a robot can be deployed to help gain entry and provide situational awareness for the team to evaluate while limiting the risk of creating a life-threatening situation.

Law enforcement generally needs a warrant for surveillance, especially when it involves private property. If law enforcement has any suspicion that criminal activity is being conducted, they will most certainly obtain a search warrant. They do not want to lose any criminal case because of their failure to obtain a warrant.

Good policies developed by law enforcement adhering to State and Federal Constitutional opinions/laws can minimize concerns of any potential civil issues that may arise.

In closing, with good policies, the utilization of drones/robots can enhance law enforcements response to hazardous incidents and keep not only the responding personnel safe, but also the public, with a rapid and safe resolution of serious incidents.

I encourage a **Do Not Pass** in HB 1613

Wallace Keller

Bismarck N.D.

February 3rd, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Casey Yunck and I am a Sergeant with the Stutsman County Sheriff's Office in Jamestown, ND and I am writing this testimony in opposition of HB 1613.

I have been in Law Enforcement for 21 years and have been an FAA Licensed UAS (Drone) Pilot since 2021. In my career, I have seen lots of tools be implemented to make our jobs not only safer for Law Enforcement but also for the public and to allow us to be more efficient in our day to day activities. I would say that the use of a UAS is at the top of the list of one of those tools that has been the most beneficial. A UAS can be utilized for many aspects in Public Safety from providing overwatch in some of the most dangerous situations we encounter, to assisting local Fire Departments with getting a "Birdseye" view of a fire scene and look for hotspots with the use of thermal cameras that some UAS are equipped with.

In the 4 years that I have been piloting a UAS in a Law Enforcement capacity I have used it's capabilities to assist with the above mentioned scenarios as well as looking for missing persons, assisting with apprehension of suspects, and getting a close eye on a HazMat situation when a train derailed in Bordulac, ND and It was not safe to send people into a "hot" zone, and to assist with any possible evacuations in the area by getting a "grand" aerial picture of all residences located in the down wind area. In North Dakota we are not afforded the luxury of being able to call on an aerial unit with helicopters or planes that are already in the air and able to assist us in most situations like in large municipalities where those assets are needed on a daily basis. The North Dakota Highway Patrol does have a plane that is able to assist in some situations but the response time of that asset is often several hours after a situation has developed whereas a UAS can be deployed in a matter of minutes.

In regards to HB 1613, there is already statutes written into North Dakota Century Code that dictate how we are able to utilize a UAS and the requirements that must be met (NDCC 29-29.4). FAA Rules and Regulations also dictate the safe and proper use of a UAS for all Part 107 pilots, not only Law Enforcement. HB 1613 will only restrict the use of a UAS further than what is needed and place the lives of officers in undue harm. If Law Enforcement is going to be using a UAS to conduct surveillance to be used in a criminal investigation, it is written in law that a Search Warrant must be obtained for any of that data to be used in court.

When referring to HB 1613 Section 1 subdivision 1a, this would violate FAA laws on the safe use of a UAS and its regulation of flight of a UAS over people . If I am reading this section correctly it is stating that we could not use a drone to serve an arrest warrant or summons as though we would be flying up to a person and delivering the summons to them or physically apprehending a subject. If that is the intent of this section as well subdivision 1b, this would cause Law Enforcement to violate FAA regulations and to possibly cause undue harm to subjects that the drone would be flying close to. I do not know of a Law Enforcement UAS Pilot who would be willing to take that risk and not only lose their FAA Licensing but also possibly cause litigation against them and their agency.

HB 1613 would be detrimental to the future use of UAS and robots by Law Enforcement in the State of North Dakota and would put the lives of not only its Law Enforcement in jeopardy but endanger the lives of its citizens. UAS and Robots are tools that are used to enhance safety. If more laws are written that restrict their uses, we will be taking a step backwards. The use of UAS and robots in a negotiations situation can not only save the lives of Law Enforcement by not having to place them in a situation that could inevitably cause a line of duty death but also aggravate a situation in which an officer is forced to take the life of a another person. Why place a person in harms way when a piece of equipment can be utilized to open lines of communication with someone. If that person becomes upset about the UAS or robot being used and they damage it, that equipment can be replaced, an officer can not be fixed or purchased again like a piece of equipment if they are killed. We are sons and daughters, husbands and wives, fathers and mothers, and brothers and sisters. Losing an officer by forcing them to be put in a situation where they lose their life because we are not able to use tools, causes a lot more pain and grief than having to replace a machine.

In closing, I ask that for the reasons mentioned above, you recommend a DO NOT PASS on HB 1613.

Thank you for your time,

Casey Yunck
Sergeant
Stutsman County Sheriff's Office

February 3, 2025

From: Sergeant Dustin Miller – Bismarck Police Department
To: House Judiciary Committee
Re: Opposition to House Bill 1613

Chairman Klemin and Members of the House Judiciary Committee,

My name is Sergeant Dustin Miller, and I am here to express the Bismarck Police Department's strong opposition to House Bill 1613, which pertains to the use of drones and robots by law enforcement. I urge you to vote **DO NOT PASS** on this bill.

I have served as a law enforcement officer for over 18 years, and for the past two years, I have been the Commander of the Bismarck Police Department's Unmanned Aircraft Systems (UAS) Team. Our use of drones in response to calls for service and critical incidents has significantly enhanced safety—not only for citizens and law enforcement officers but also for the individuals involved in these incidents. Public safety must remain the primary concern when deploying equipment and tactics to address emergencies effectively.

I recognize that there can sometimes be a disconnect between public perception and the actual use of drones by law enforcement. Our department utilizes drones to document accident scenes with greater speed and accuracy, clear residences when responding to emergency calls, and provide situational awareness during critical incidents, such as SWAT operations involving barricaded subjects. Drones serve as a vital tool for enhancing efficiency, reducing risk, and de-escalating volatile situations before deploying personnel.

Law enforcement officers frequently respond to rapidly evolving, high-risk situations. The ability to deploy a drone to safely assess an area—such as locating a fleeing suspect or scanning a structure before entry—has become a critical component of modern policing. Imposing restrictions that eliminate or require a warrant for drone use would significantly compromise public and officer safety. The warrant application process for critical incidents and emergency calls often takes two to three hours, making drone deployment impractical in many urgent situations.

North Dakota already has a law in place—**NDCC 29-29.4: Surveillance by Unmanned Aerial Vehicle**—which mandates a warrant for drone surveillance unless exigent circumstances exist. This existing regulation strikes an appropriate balance between privacy rights and public safety. With proper training and legal oversight, law enforcement agencies in North Dakota are currently utilizing drones in a responsible and justified manner.

For these reasons, I strongly urge a **DO NOT PASS** vote on House Bill 1613.

Thank you for your time and consideration.


Sergeant Dustin Miller
Bismarck Police Department

255 N. 4th St.
PO Box 5200
Grand Forks, ND 58206-5200



City of Grand Forks
(701) 746-4636

**TESTIMONY ON HOUSE BILL 1613
House Judiciary
February 4, 2024**

**Jason Freedman, Chief of Police
City of Grand Forks, ND**

Chairman Klemin, members of the committee. Please accept my written testimony in opposition to HB 1613.

The use of Drones/UAS and robotics have greatly improved and enhanced law enforcement's ability to effectively respond to high risk and challenging situations including criminal actions, natural disasters, life/safety emergencies, and many others.

Drones and robotics provide capabilities to observe, gather information, and inform both decision making and the application of resources. These platforms often have the ability to establish lines of communication, which is critical in successfully resolving events. Importantly, drones and robotics greatly reduce the risk to law enforcement personnel by allowing them to remain at a distance from the potential threat(s). Not only does this increase the safety of law enforcement, but it also reduces the potential for unnecessarily escalating a situation.

Warrants are appropriate for certain static or planned situations as there is time for law enforcement to consider their use and apply. However, requiring a warrant for a rapidly evolving situation isn't feasible, and may result in increased risks to the safety of officers and the community. An active shooter in a school; a hostage situation in a bank; or a kidnapping in progress are a just few of the many incidents where the quick application of drones or robotics would be critical to achieve the best possible resolution.

Thank you for your time and consideration in reviewing my above points in respectful opposition to HB 1613.

Respectfully,
Jason Freedman
Grand Forks Chief of Police

25.1307.01001
Title.

Prepared by the Legislative Council
staff for Representative Hendrix
February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL for an Act to create and enact a new section to chapter 29-01 of the North Dakota
2 Century Code, relating to law enforcement use of a drone or robot; for an Act to create and
3 enact a new section to chapter 29-01 of the North Dakota Century Code, relating to law
4 enforcement use of drones and robots; to amend and reenact section 12-63-12 of the North
5 Dakota Century Code, relating to the actions of the peace officer standards and training board;
6 to provide a report; to provide a penalty; and to declare an emergency.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1.** A new section to chapter 29-01 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Use of drones and robots.**

11 1. A law enforcement officer may not use a drone or robot to:

12 a. Issue or serve an arrest warrant or summons in lieu of a warrant upon complaint
13 under Rule 4 of the North Dakota Rules of Criminal Procedure;

14 b. Take an individual into custody in the manner authorized by law to answer for the
15 commission of an offense;

16 c. Conduct hostage negotiations;

17 d. Manage traffic;

18 e. Gather evidence of a crime without a warrant; or

19 f. Monitor public events without a warrant.

~~2. This section does not apply to the use of a drone or robot for search and rescue of a missing individual, disposal of a bomb, or crime scene analysis.~~

SECTION 1. AMENDMENT. Section 12-63-12 of the North Dakota Century Code is amended and reenacted as follows:

12-63-12. Adverse license action - Appeal.

1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a license, or impose probationary conditions if the individual has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of a felony offense.
2. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions if the individual:
 - a. Has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1, or another criminal offense determined by the board to have a direct bearing upon an individual's ability to serve as a peace officer, or the board determines, following a conviction or adjudication, that the individual is not rehabilitated under section 12.1-33-02.1.
 - b. Has used unjustified deadly force in the performance of the duties as a peace officer as described in section 12.1-05-07 and section 2 of this Act.
 - c. Has made a false material statement under oath to the board.
 - d. Has made a false material statement to the board while obtaining or renewing a license or permit.
 - e. Has violated a provision of this chapter or a rule of the board.
3. Denial, refusal to renew, suspension, revocation, or imposition of probationary condition on a license may be ordered by the board after a hearing in accordance with chapter 28-32. An application for reinstatement may be made to the board one year from the date of the refusal to renew or the revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider

1 the reinstatement. In the case of a denial of an application, the applicant may not
2 reapply for a period of one year from the date of the order of denial.

3 4. An appeal from the final decision of the board to refuse to issue, to not renew, to
4 suspend, or to revoke a license may be made to the district court. Venue is the county
5 in which the aggrieved individual resides. The appeal must be made within thirty days
6 from the service of the decision on the individual.

7 **SECTION 2.** A new section to chapter 29-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Use of drones and robots - Use of force - Report to legislative management - Penalty.**

10 1. As used in this section:

11 a. "Deadly force" means force which an individual uses with the intent of causing, or
12 which the actor knows creates a substantial risk of causing, death or serious
13 bodily injury.

14 b. "Drone" means an unmanned aerial vehicle operated remotely or autonomously,
15 without the possibility of direct human intervention. The term does not include a
16 satellite.

17 c. "Law enforcement officer" means a public servant authorized by law or by a
18 government agency or branch to enforce the law and to conduct or engage in
19 investigations or prosecutions for violations of law.

20 d. "Robot" means a remote operated or autonomous vehicle capable of performing
21 a task.

22 2. A law enforcement officer or agency may not use a drone or robot to:

23 a. Issue or serve an arrest warrant or summons in lieu of a warrant upon complaint
24 under rule 4 of the North Dakota Rules of Criminal Procedure; or

25 b. Take an individual into custody in the manner authorized by law to answer for the
26 commission of an offense.

27 3. A law enforcement officer or agency may not deploy a drone or robot to use deadly
28 force against an individual.

29 4. Subsection 3 does not apply if:

30 a. The use of deadly force is immediate and necessary to prevent imminent death
31 or serious bodily injury to an individual;

- 1 b. No reasonable alternative exists to prevent the threat other than the use of
- 2 deadly force; and
- 3 c. The decision to use deadly force by a drone or robot is authorized by a
- 4 supervising officer, unless exigent circumstances makes the authorization
- 5 unreasonable.
- 6 5. A use of deadly force by a drone or robot under this section must be reported to the
- 7 attorney general within twenty-four hours. The report must include:
- 8 a. A detailed description of the incident, including the circumstances justifying the
- 9 use of deadly force;
- 10 b. The type of drone or robot used by the law enforcement agency and the
- 11 operational capabilities of the device; and
- 12 c. The identity and role of all personnel involved in the decision to use deadly force.
- 13 6. Each law enforcement agency in the state shall publish and submit to the legislative
- 14 management an annual report summarizing all incidents involving the use of a drone
- 15 or robot in a law enforcement operation.
- 16 7. A law enforcement officer is liable for civil damages resulting in a violation of this
- 17 section.
- 18 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

25.1307.01002
Title.02000

Adopted by the Judiciary Committee

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL ~~for an Act to create and enact a new section to chapter 29-01 of the North Dakota~~
2 ~~Century Code, relating to law enforcement use of a drone or robot.~~ for an Act to create and
3 enact a new section to chapter 29-29.4, relating to law enforcement use of a robot.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 ~~SECTION 1. A new section to chapter 29-01 of the North Dakota Century Code is created~~
6 ~~and enacted as follows:~~

7 ~~Use of drones and robots.~~

8 ~~1. A law enforcement officer may not use a drone or robot to:~~

9 ~~a. Issue or serve an arrest warrant or summons in lieu of a warrant upon complaint~~
10 ~~under Rule 4 of the North Dakota Rules of Criminal Procedure;~~

11 ~~b. Take an individual into custody in the manner authorized by law to answer for the~~
12 ~~commission of an offense;~~

13 ~~c. Conduct hostage negotiations;~~

14 ~~d. Manage traffic;~~

15 ~~e. Gather evidence of a crime without a warrant; or~~

16 ~~f. Monitor public events without a warrant.~~

17 ~~2. This section does not apply to the use of a drone or robot for search and rescue of a~~
18 ~~missing individual, disposal of a bomb, or crime scene analysis.~~

SECTION 1. A new section to chapter 29-29.4 of the North Dakota Century Code is created and enacted as follows:

Use of robots.

1. The provisions of this chapter relating to unmanned aerial vehicles also apply to the use of robots by law enforcement agencies.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

HB 1613
2/5/2025

A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law enforcement use of a robot.

3:05 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Tveit, Wolff, Schneider

Members Absent: Representatives Satrom, VanWinkle

Discussion Topics:

- Issues with previous amendment
- Committee action

3:08 p.m. Representative Vetter moved to Reconsider.

3:08 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:10 p.m. Motion passed 12-0-2

3:10 p.m. Representative Wolff moved to Amend LC: 25.1307.01003

3:10 p.m. Representative Vetter seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:12 p.m. Motion passed 12-0-2

3:12 p.m. Representative S. Olson moved a Do Pass as Amended.

3:12 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	A
Representative Christina Wolff	Y

3:13 p.m. Motion passed 12-0-2

3:13 p.m. Representative Christianson will carry the bill.

Additional written testimony:

Legislative Council submitted neutral testimony #37908

3:14 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

RS 2/5/25
1 of 5

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL ~~for an Act to create and enact a new section to chapter 29-01 of the North Dakota~~
2 ~~Century Code, relating to law enforcement use of a drone or robot.~~for an Act to amend and
3 reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of
4 the North Dakota Century Code, relating to law enforcement use of a robot.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~**SECTION 1.** A new section to chapter 29-01 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~
8 ~~**Use of drones and robots.**~~
9 ~~**1.** A law enforcement officer may not use a drone or robot to:~~
10 ~~**a.** Issue or serve an arrest warrant or summons in lieu of a warrant upon complaint~~
11 ~~under Rule 4 of the North Dakota Rules of Criminal Procedure;~~
12 ~~**b.** Take an individual into custody in the manner authorized by law to answer for the~~
13 ~~commission of an offense;~~
14 ~~**c.** Conduct hostage negotiations;~~
15 ~~**d.** Manage traffic;~~
16 ~~**e.** Gather evidence of a crime without a warrant; or~~
17 ~~**f.** Monitor public events without a warrant.~~
18 ~~**2.** This section does not apply to the use of a drone or robot for search and rescue of a~~
19 ~~missing individual, disposal of a bomb, or crime scene analysis.~~

SECTION 1. AMENDMENT. Section 29-29.4-01 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-01. Definitions.

As used in this chapter:

1. "Flight data" means imaging or other observation recording.
2. "Flight information" means flight duration, flight path, and mission objective.
3. "Law enforcement agency or agents" has the meaning provided for law enforcement officer in section 12.1-01-04.
4. "Robot" means an artificial object or system that senses, processes, and acts using technology. The term includes the associated elements, communication links, and associated artificial intelligence technologies.
5. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term does not include satellites.
- ~~5.6.~~ "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and the components that control the unmanned aerial vehicle, which are required for the pilot in command to operate safely and efficiently in state airspace.

SECTION 2. AMENDMENT. Section 29-29.4-02 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-02. Limitations on use of unmanned aerial vehicle ~~system~~systems and robots.

1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a prosecution or proceeding within the state unless the information was obtained:
 - a. Pursuant to the authority of a search warrant; or
 - b. In accordance with exceptions to the warrant requirement.
2. Information obtained from the operation of an unmanned aerial vehicle or robot 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 subdivision a or b of subsection 1 or was obtained through the monitoring of public lands or international borders.

SECTION 3. AMENDMENT. Section 29-29.4-03 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-03. Warrant requirements.

A warrant for the use of an unmanned aerial vehicle or robot must satisfy the requirements of the Constitution of North Dakota. In addition, the warrant must contain a data collection statement that includes:

1. The persons that will have the power to authorize the use of the unmanned aerial vehicle or robot;
2. The locations in which the unmanned aerial vehicle system or robot will operate;
3. The maximum period for which the unmanned aerial vehicle system or robot will operate in each flight; and
4. Whether the unmanned aerial vehicle system or robot will collect information or data about individuals or groups of individuals, and if so:
 - a. The circumstances under which the unmanned aerial vehicle system or robot will be used; and
 - b. The specific kinds of information or data the unmanned aerial vehicle system or robot will collect about individuals and how that information or data, as well as conclusions drawn from that information or data, will be used, disclosed, and otherwise handled, including:
 - (1) The period for which the information or data will be retained; and
 - (2) Whether the information or data will be destroyed, and if so, when and how the information or data will be destroyed.

SECTION 4. AMENDMENT. Section 29-29.4-04 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-04. Exceptions.

This chapter does not prohibit any use of an unmanned aerial vehicle or robot for surveillance during the course of:

1. Patrol of national borders. The use of an unmanned aerial vehicle or robot to patrol within twenty-five miles [40.23 kilometers] of a national border, for purposes of policing that border to prevent or deter the illegal entry of any individual, illegal substance, or contraband.

2. Exigent circumstances. The use of an unmanned aerial vehicle or robot by a law enforcement agency is permitted when exigent circumstances exist. For the purposes of this subsection, exigent circumstances exist when a law enforcement agency possesses reasonable suspicion that absent swift preventative action, there is an imminent danger to life or bodily harm.
3. An environmental or weather-related catastrophe. The use of an unmanned aerial vehicle or robot by state or local authorities to preserve public safety, protect property, survey environmental damage to determine if a state of emergency should be declared, or conduct surveillance for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.
4. Research, education, training, testing, or development efforts undertaken by or in conjunction with a school or institution of higher education within the state and its political subdivisions, nor to public and private collaborators engaged in mutually supported efforts involving research, education, training, testing, or development related to unmanned aerial vehicle systems ~~or~~, unmanned aerial vehicle system technologies, or robot and potential applications.

SECTION 5. AMENDMENT. Section 29-29.4-05 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-05. Prohibited use.

1. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot armed with any lethal weapons.
2. This chapter prohibits any use of an unmanned aerial vehicle or robot for:
 - a. Domestic use in private surveillance. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot to permit any private person to conduct surveillance on any other private person without the express, informed consent of that other person or the owner of any real property on which that other private person is present.
 - b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance is otherwise allowed under this chapter.

SECTION 6. AMENDMENT. Section 29-29.4-06 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-06. Documentation of unmanned aerial vehicle or robot use.

1. The person authorized to conduct the surveillance under this chapter shall document all use of an unmanned aerial vehicle or robot for surveillance. The person shall document all surveillance flights as to duration, flight path, and mission objectives.
2. The flight information must be verified as accurate and complete by the supervising person authorized by a court to conduct the surveillance.
3. The flight information required under this section must be retained for five years.
4. Any imaging or any other forms of data lawfully obtained under this chapter which are not accompanied by a reasonable and articulable suspicion that the images or data contain evidence of a crime, or are relevant to an ongoing investigation or trial, may not be retained for more than ninety days.
5. Except for the operational capabilities of the unmanned aerial vehicle system or robot and other operational information strictly related to the technical conduct and physical security of the surveillance operation, a person accused of a crime that includes evidence gathered through the use of an unmanned aerial vehicle system or robot surveillance may obtain all information relating to the person acquired in the course of the surveillance through subpoena and discovery proceedings available in criminal proceedings.
6. Any other person that has an interest in obtaining the documentation required by this section may obtain that documentation pursuant to chapter 44-04.

**REPORT OF STANDING COMMITTEE
HB 1613**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.1307.01003](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1613 was placed on the Sixth order on the calendar.

25.1307.01003
Title.

Prepared by the Legislative Council
staff for the Judiciary Committee
February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL ~~for an Act to create and enact a new section to chapter 29-01 of the North Dakota~~
2 ~~Century Code, relating to law enforcement use of a drone or robot.~~ for an Act to amend and
3 reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of
4 the North Dakota Century Code, relating to law enforcement use of a robot.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. A new section to chapter 29-01 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Use of drones and robots.~~

9 ~~1. A law enforcement officer may not use a drone or robot to:~~

10 ~~a. Issue or serve an arrest warrant or summons in lieu of a warrant upon complaint~~
11 ~~under Rule 4 of the North Dakota Rules of Criminal Procedure;~~

12 ~~b. Take an individual into custody in the manner authorized by law to answer for the~~
13 ~~commission of an offense;~~

14 ~~c. Conduct hostage negotiations;~~

15 ~~d. Manage traffic;~~

16 ~~e. Gather evidence of a crime without a warrant; or~~

17 ~~f. Monitor public events without a warrant.~~

18 ~~2. This section does not apply to the use of a drone or robot for search and rescue of a~~
19 ~~missing individual, disposal of a bomb, or crime scene analysis.~~

SECTION 1. AMENDMENT. Section 29-29.4-01 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-01. Definitions.

As used in this chapter:

1. "Flight data" means imaging or other observation recording.
2. "Flight information" means flight duration, flight path, and mission objective.
3. "Law enforcement agency or agents" has the meaning provided for law enforcement officer in section 12.1-01-04.
4. "Robot" means an artificial object or system that senses, processes, and acts using technology. The term includes the associated elements, communication links, and associated artificial intelligence technologies.
5. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term does not include satellites.
- ~~5-6.~~ "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and the components that control the unmanned aerial vehicle, which are required for the pilot in command to operate safely and efficiently in state airspace.

SECTION 2. AMENDMENT. Section 29-29.4-02 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-02. Limitations on use of unmanned aerial vehicle ~~system~~systems and robots.

1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a prosecution or proceeding within the state unless the information was obtained:
 - a. Pursuant to the authority of a search warrant; or
 - b. In accordance with exceptions to the warrant requirement.
2. Information obtained from the operation of an unmanned aerial vehicle or robot 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 subdivision a or b of subsection 1 or was obtained through the monitoring of public lands or international borders.

1 **SECTION 3. AMENDMENT.** Section 29-29.4-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **29-29.4-03. Warrant requirements.**

4 A warrant for the use of an unmanned aerial vehicle or robot must satisfy the requirements
5 of the Constitution of North Dakota. In addition, the warrant must contain a data collection
6 statement that includes:

- 7 1. The persons that will have the power to authorize the use of the unmanned aerial
8 vehicle or robot;
- 9 2. The locations in which the unmanned aerial vehicle system or robot will operate;
- 10 3. The maximum period for which the unmanned aerial vehicle system or robot will
11 operate in each flight; and
- 12 4. Whether the unmanned aerial vehicle system or robot will collect information or data
13 about individuals or groups of individuals, and if so:
 - 14 a. The circumstances under which the unmanned aerial vehicle system or robot will
15 be used; and
 - 16 b. The specific kinds of information or data the unmanned aerial vehicle system or
17 robot will collect about individuals and how that information or data, as well as
18 conclusions drawn from that information or data, will be used, disclosed, and
19 otherwise handled, including:
 - 20 (1) The period for which the information or data will be retained; and
 - 21 (2) Whether the information or data will be destroyed, and if so, when and how
22 the information or data will be destroyed.

23 **SECTION 4. AMENDMENT.** Section 29-29.4-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **29-29.4-04. Exceptions.**

26 This chapter does not prohibit any use of an unmanned aerial vehicle or robot for
27 surveillance during the course of:

- 28 1. Patrol of national borders. The use of an unmanned aerial vehicle or robot to patrol
29 within twenty-five miles [40.23 kilometers] of a national border, for purposes of policing
30 that border to prevent or deter the illegal entry of any individual, illegal substance, or
31 contraband.

2. Exigent circumstances. The use of an unmanned aerial vehicle or robot by a law enforcement agency is permitted when exigent circumstances exist. For the purposes of this subsection, exigent circumstances exist when a law enforcement agency possesses reasonable suspicion that absent swift preventative action, there is an imminent danger to life or bodily harm.
3. An environmental or weather-related catastrophe. The use of an unmanned aerial vehicle or robot by state or local authorities to preserve public safety, protect property, survey environmental damage to determine if a state of emergency should be declared, or conduct surveillance for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.
4. Research, education, training, testing, or development efforts undertaken by or in conjunction with a school or institution of higher education within the state and its political subdivisions, nor to public and private collaborators engaged in mutually supported efforts involving research, education, training, testing, or development related to unmanned aerial vehicle systems ~~or~~ unmanned aerial vehicle system technologies, or robot and potential applications.

SECTION 5. AMENDMENT. Section 29-29.4-05 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-05. Prohibited use.

1. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot armed with any lethal weapons.
2. This chapter prohibits any use of an unmanned aerial vehicle or robot for:
 - a. Domestic use in private surveillance. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot to permit any private person to conduct surveillance on any other private person without the express, informed consent of that other person or the owner of any real property on which that other private person is present.
 - b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance is otherwise allowed under this chapter.

SECTION 6. AMENDMENT. Section 29-29.4-06 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-06. Documentation of unmanned aerial vehicle or robot use.

1. The person authorized to conduct the surveillance under this chapter shall document all use of an unmanned aerial vehicle or robot for surveillance. The person shall document all surveillance flights as to duration, flight path, and mission objectives.
2. The flight information must be verified as accurate and complete by the supervising person authorized by a court to conduct the surveillance.
3. The flight information required under this section must be retained for five years.
4. Any imaging or any other forms of data lawfully obtained under this chapter which are not accompanied by a reasonable and articulable suspicion that the images or data contain evidence of a crime, or are relevant to an ongoing investigation or trial, may not be retained for more than ninety days.
5. Except for the operational capabilities of the unmanned aerial vehicle system or robot and other operational information strictly related to the technical conduct and physical security of the surveillance operation, a person accused of a crime that includes evidence gathered through the use of an unmanned aerial vehicle system or robot surveillance may obtain all information relating to the person acquired in the course of the surveillance through subpoena and discovery proceedings available in criminal proceedings.
6. Any other person that has an interest in obtaining the documentation required by this section may obtain that documentation pursuant to chapter 44-04.

2025 SENATE JUDICIARY

HB 1613

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1613
3/26/2025

A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law enforcement use of a robot.

9:59 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Definition of robots
- Ethical implications of robotic use
- Human oversight in lethal force scenarios
- Technology integration

9:59 a.m. Chair Larson Recessed the hearing to wait for bill sponsor.

10:03 a.m. Reconvened the hearing.

10:03 a.m. Representative Hendrix introduced the bill, introduced proposed amendment LC# 25.1307.02001 and submitted testimony in favor #44172.

10:17 a.m. Terry Effertz, Executive Director, Tech ND, testified in opposition and submitted testimony #44153.

10:22 a.m. Stephanie Engebretson, Chief of Police Association of ND, testified in opposition.

10:24 a.m. Calvin Benson, Lobbyist, ND Police Officers Association, testified in opposition.

10:25 a.m. Danielle Preskey, NDACo, testified in opposition.

10:26 a.m. Jesse Jahner, Sheriff, Cass County Sheriff's Office, testified in opposition and submitted testimony #43935.

10:34 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Testimony in Opposition to House Bill 1613.

Good morning Madam Chair Larson and members of the Senate Judiciary Committee,

My name is Jesse Jahner, and I am the elected Sheriff in Cass County North Dakota currently serving in my second year of my second term. I have worked with the Cass County Sheriff's Office since May of 1998. During my time at the Sheriff's Office, I have worked in Corrections, Patrol, Investigations, Narcotics Investigations, Street Crime Investigations and in Special Operations. I have served as the Dakota Territories (North and South Dakota) Sheriff's Association President and currently serve as a National Sheriff's Association Board Member.

I testify before you today in opposition to House Bill 1613. As the bill currently stands and with the definition of a "Robot" as I interpret it, if this bill were to pass it would eliminate a number of technology tools that law enforcement currently uses to protect their officers and citizens, gather information and evidence for court cases, and would set law enforcement back financially in a number of areas law enforcement has advanced in over the years. The way the definition current reads it would affect body worn cameras, drug recognition processing devices, mobile data computers (in-car computers), and license plate readers. All of these item's sense, process and act using technology, they also use communications links and artificial intelligence falling under the definition of a "Robot." In addition, our Red River Valley Bomb Squad uses a robot quite frequently to assist them in neutralizing explosive devices. Their robot is equipped with a lethal weapon described as a "disruptor cannon" to neutralize explosive devices. The bill language states that a law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot armed with any lethal weapons. This would mean that rather than Bomb Squad Members being able to use a robot to render an explosive device safely they will now have to potentially handle the explosive device by hand, putting their lives in extreme danger. I feel the bill also causes issues for open records requests and search warrant evidence collection.

Madam Chair Larson and members of the Senate Judiciary Committee, please give House Bill 1613 a do not pass recommendation. Thank you.

Respectfully,

Jesse Jahner

Cass County Sheriff



TESTIMONY IN OPPOSITION – HB 1613

Chairman and Members of the Committee,

Thank you for the opportunity to testify today. My name is Terry Effertz, Executive Director of TechND, a statewide organization that champions the advancement of North Dakota's technology sector across all industries, including public safety.

While we understand and respect the intent of HB 1613 — to establish oversight of law enforcement's use of robotics and artificial intelligence — we believe the bill, as drafted, is overly broad and would have unintended consequences. The bill defines "robot" as "an artificial object or system that senses, processes, and acts using technology," including communication links and AI. Under this definition, a wide array of existing law enforcement tools could be subject to unnecessary regulation, including:

- Remote-controlled bomb disposal units
- Search-and-rescue drones flown by officers
- Sensor-enabled surveillance cameras
- Automated license plate readers
- Even body-worn cameras with basic motion sensing or tagging functions

These are standard tools used today — not autonomous robots making independent decisions or using force. Regulating them under the same framework as lethal or AI-driven autonomous systems is not practical and could slow or limit law enforcement's ability to adopt life-saving technologies. We urge the committee to consider a narrower, more precise definition of "robot," such as the following:

"Robot" means a powered, artificial machine or system that, once activated, operates in whole or in part with autonomy to perform physical tasks or decision-making without real-time human control. The term includes systems capable of using force, surveillance, or mobility independent of direct human input.

This definition clearly distinguishes between manually operated tools and autonomous systems. It would target the intended use cases — such as AI-enabled drones or lethal autonomous robots — without burdening widely used and officer-controlled equipment.

TechND supports thoughtful oversight, but regulation must be clear, targeted, and aligned with practical realities. We respectfully request the committee consider amending HB 1613 to reflect a more workable and precise framework. Thank you for your time and consideration.

25.1307.02001
Title.

Prepared by the Legislative Council
staff for Representative Hendrix
March 25, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03,
2 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law
3 enforcement use of a robot.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 29-29.4-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-29.4-01. Definitions.**

8 As used in this chapter:

- 9 1. "Flight data" means imaging or other observation recording.
- 10 2. "Flight information" means flight duration, flight path, and mission objective.
- 11 3. "Law enforcement agency or agents" has the meaning provided for law enforcement
12 officer in section 12.1-01-04.
- 13 4. "Robot" means an artificial object or system that senses, processes, and acts using
14 technology that is remote operated, semiautonomous, or autonomous. The term
15 includes the associated elements, communication links, and associated artificial
16 intelligence technologies does not include a license plate reader used for the purpose
17 of vehicle identification and traffic law enforcement.
- 18 5. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the
19 possibility of direct human intervention within or on the aerial vehicle. The term does
20 not include satellites.

1 5-6. "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated
2 elements, including communication links and the components that control the
3 unmanned aerial vehicle, which are required for the pilot in command to operate safely
4 and efficiently in state airspace.

5 **SECTION 2. AMENDMENT.** Section 29-29.4-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-29.4-02. Limitations on use of unmanned aerial vehicle ~~systems~~systems and**
8 **robots.**

- 9 1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a
10 prosecution or proceeding within the state unless the information was obtained:
11 a. Pursuant to the authority of a search warrant; or
12 b. In accordance with exceptions to the warrant requirement.
13 2. Information obtained from the operation of an unmanned aerial vehicle or robot may
14 not be used in an affidavit of probable cause in an effort to obtain a search warrant,
15 unless the information was obtained under the circumstances described in subdivision
16 a or b of subsection 1 or was obtained through the monitoring of public lands or
17 international borders.

18 **SECTION 3. AMENDMENT.** Section 29-29.4-03 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **29-29.4-03. Warrant requirements.**

21 A warrant for the use of an unmanned aerial vehicle or robot must satisfy the requirements
22 of the Constitution of North Dakota. In addition, the warrant must contain a data collection
23 statement that includes:

- 24 1. The persons that will have the power to authorize the use of the unmanned aerial
25 vehicle or robot;
26 2. The locations in which the unmanned aerial vehicle system or robot will operate;
27 3. The maximum period for which the unmanned aerial vehicle system or robot will
28 operate in each flight; and
29 4. Whether the unmanned aerial vehicle system or robot will collect information or data
30 about individuals or groups of individuals, and if so:

- 1 a. The circumstances under which the unmanned aerial vehicle system or robot will
- 2 be used; and
- 3 b. The specific kinds of information or data the unmanned aerial vehicle system or
- 4 robot will collect about individuals and how that information or data, as well as
- 5 conclusions drawn from that information or data, will be used, disclosed, and
- 6 otherwise handled, including:
- 7 (1) The period for which the information or data will be retained; and
- 8 (2) Whether the information or data will be destroyed, and if so, when and how
- 9 the information or data will be destroyed.

10 **SECTION 4. AMENDMENT.** Section 29-29.4-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **29-29.4-04. Exceptions.**

13 This chapter does not prohibit any use of an unmanned aerial vehicle or robot for
14 surveillance during the course of:

- 15 1. Patrol of national borders. The use of an unmanned aerial vehicle or robot to patrol
- 16 within twenty-five miles [40.23 kilometers] of a national border, for purposes of policing
- 17 that border to prevent or deter the illegal entry of any individual, illegal substance, or
- 18 contraband.
- 19 2. Exigent circumstances. The use of an unmanned aerial vehicle or robot by a law
- 20 enforcement agency is permitted when exigent circumstances exist. For the purposes
- 21 of this subsection, exigent circumstances exist when a law enforcement agency
- 22 possesses reasonable suspicion that absent swift preventative action, there is an
- 23 imminent danger to life or bodily harm.
- 24 3. An environmental or weather-related catastrophe. The use of an unmanned aerial
- 25 vehicle or robot by state or local authorities to preserve public safety, protect property,
- 26 survey environmental damage to determine if a state of emergency should be
- 27 declared, or conduct surveillance for the assessment and evaluation of environmental
- 28 or weather-related damage, erosion, flood, or contamination.
- 29 4. Research, education, training, testing, or development efforts undertaken by or in
- 30 conjunction with a school or institution of higher education within the state and its
- 31 political subdivisions, nor to public and private collaborators engaged in mutually

supported efforts involving research, education, training, testing, or development related to unmanned aerial vehicle systems ~~or~~, unmanned aerial vehicle system technologies, or robot and potential applications.

SECTION 5. AMENDMENT. Section 29-29.4-05 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-05. Prohibited use.

1. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot armed with any lethal weapons.
2. This chapter prohibits any use of an unmanned aerial vehicle or robot for:
 - a. Domestic use in private surveillance. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot to permit any private person to conduct surveillance on any other private person without the express, informed consent of that other person or the owner of any real property on which that other private person is present.
 - b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance is otherwise allowed under this chapter.

SECTION 6. AMENDMENT. Section 29-29.4-06 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-06. Documentation of unmanned aerial vehicle or robot use.

1. The person authorized to conduct the surveillance under this chapter shall document all use of an unmanned aerial vehicle or robot for surveillance. The person shall document all surveillance flights as to duration, flight path, and mission objectives.
2. The flight information must be verified as accurate and complete by the supervising person authorized by a court to conduct the surveillance.
3. The flight information required under this section must be retained for five years.
4. Any imaging or any other forms of data lawfully obtained under this chapter which are not accompanied by a reasonable and articulable suspicion that the images or data contain evidence of a crime, or are relevant to an ongoing investigation or trial, may not be retained for more than ninety days.
5. Except for the operational capabilities of the unmanned aerial vehicle system or robot and other operational information strictly related to the technical conduct and physical

- 1 security of the surveillance operation, a person accused of a crime that includes
2 evidence gathered through the use of an unmanned aerial vehicle system or robot
3 surveillance may obtain all information relating to the person acquired in the course of
4 the surveillance through subpoena and discovery proceedings available in criminal
5 proceedings.
- 6 6. Any other person that has an interest in obtaining the documentation required by this
7 section may obtain that documentation pursuant to chapter 44-04.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1613
4/9/2025

A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law enforcement use of a robot.

10:29 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Definition of autonomous
- Use of lethal versus less than lethal weapons
- Warrant requirements for surveillance technology

10:29 a.m. Senator Castaneda introduced proposed amendment LC# 25.1307.02004, explained amendment, and submitted testimony #44848.

10:36 a.m. The committee discussed warrant requirements, use-of-force limits, and exceptions for law enforcement robots.

10:42 a.m. Scott Winkelman, Chief Game Warden, Department of Game and Fish, answered committee questions.

10:48 a.m. Senator Castaneda moved amendment LC# 25.1307.02004.

10:48 a.m. Senator Myrdal seconded.

Voice Vote - Motion Passed.

10:48 a.m. Senator Castaneda moved a Do Pass as amended.

10:48 a.m. Senator Luick seconded the motion.

10:49 a.m. Committee discussed prior opposed groups who agreed to amendment changes.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0

10:52 a.m. Senator Castaneda will carry the bill.

10:53 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 4/9/25
1 of 6

ENGROSSED HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03,
2 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law
3 enforcement use of a robot.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 29-29.4-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-29.4-01. Definitions.**

8 As used in this chapter:

- 9 1. "Autonomously" means to operate or govern itself without direct human control.
10 2. "Flight data" means imaging or other observation recording.
11 ~~2.3.~~ "Flight information" means flight duration, flight path, and mission objective.
12 ~~3.4.~~ "Law enforcement agency or agents" has the meaning provided for law enforcement
13 officer in section 12.1-01-04.
14 4.5. "Less than lethal weapon" means a designed and manufactured object, substance, or
15 weapon that does not create a substantial risk of serious bodily injury or death when
16 used by an individual with proper training.
17 6. "Lethal weapon" means an object, substance, or device designed to cause serious
18 bodily injury or death.
19 7. "Remotely" means directly controlled by human action and decisions.

1 8. "Robot" means ~~an artificial object or system that senses, processes, and acts using~~
2 ~~technology. The term includes the associated elements, communication links, and~~
3 ~~associated artificial intelligence technologies~~ a powered artificial machine or system
4 that upon activation will operate in whole or in part autonomously to perform physical
5 tasks or decisionmaking without real-time human control. The term includes a system
6 capable of using force, conducting surveillance, or moving independent of direct
7 human input. The term does not include a law enforcement body-worn camera, a law
8 enforcement in-car camera or license plate reader, or any other law enforcement
9 camera that does not require a search warrant.

10 5.9. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the
11 possibility of direct human intervention within or on the aerial vehicle. The term does
12 not include satellites.

13 5.6.10. "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated
14 elements, including communication links and the components that control the
15 unmanned aerial vehicle, which are required for the pilot in command to operate safely
16 and efficiently in state airspace.

17 **SECTION 2. AMENDMENT.** Section 29-29.4-02 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **29-29.4-02. Limitations on use of unmanned aerial vehicle ~~systems~~systems and**
20 **robots.**

- 21 1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a
22 prosecution or proceeding within the state unless the information was obtained:
23 a. Pursuant to the authority of a search warrant; or
24 b. In accordance with exceptions to the warrant requirement.
- 25 2. Information obtained from the operation of an unmanned aerial vehicle or robot may
26 not be used in an affidavit of probable cause in an effort to obtain a search warrant,
27 unless the information was obtained under the circumstances described in subdivision
28 a or b of subsection 1 or was obtained through the monitoring of public lands or
29 international borders.

30 **SECTION 3. AMENDMENT.** Section 29-29.4-03 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **29-29.4-03. Warrant requirements.**

2 A warrant for the use of an unmanned aerial vehicle or robot for the purpose of surveillance
3 must satisfy the requirements of the Constitution of North Dakota. In addition, the warrant must
4 contain a data collection statement that includes:

- 5 1. The persons that will have the power to authorize the use of the unmanned aerial
6 vehicle or robot;
- 7 2. The locations in which the unmanned aerial vehicle system or robot will operate;
- 8 3. The maximum period for which the unmanned aerial vehicle system or robot will
9 operate in each flight or deployment; and
- 10 4. Whether the unmanned aerial vehicle system or robot will collect information or data
11 about individuals or groups of individuals, and if so:
 - 12 a. The circumstances under which the unmanned aerial vehicle system or robot will
13 be used; and
 - 14 b. The specific kinds of information or data the unmanned aerial vehicle system or
15 robot will collect about individuals and how that information or data, as well as
16 conclusions drawn from that information or data, will be used, disclosed, and
17 otherwise handled, including:
 - 18 (1) The period for which the information or data will be retained; and
 - 19 (2) Whether the information or data will be destroyed, and if so, when and how
20 the information or data will be destroyed.

21 **SECTION 4. AMENDMENT.** Section 29-29.4-04 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **29-29.4-04. Exceptions.**

24 This chapter does not prohibit any use of an unmanned aerial vehicle or robot for
25 surveillance during the course of:

- 26 1. Patrol of national borders. The use of an unmanned aerial vehicle or robot to patrol
27 within twenty-five miles [40.23 kilometers] of a national border, for purposes of policing
28 that border to prevent or deter the illegal entry of any individual, illegal substance, or
29 contraband.
- 30 2. Exigent circumstances. The use of an unmanned aerial vehicle or robot by a law
31 enforcement agency is permitted when exigent circumstances exist. For the purposes

1 of this subsection, exigent circumstances exist when a law enforcement agency
2 possesses reasonable suspicion that absent swift preventative action, there is an
3 imminent danger to life or bodily harm.

- 4 3. An environmental or weather-related catastrophe. The use of an unmanned aerial
5 vehicle or robot by state or local authorities to preserve public safety, protect property,
6 survey environmental damage to determine if a state of emergency should be
7 declared, or conduct surveillance for the assessment and evaluation of environmental
8 or weather-related damage, erosion, flood, or contamination.
- 9 4. Research, education, training, testing, or development efforts undertaken by or in
10 conjunction with a school or institution of higher education within the state and its
11 political subdivisions, nor to public and private collaborators engaged in mutually
12 supported efforts involving research, education, training, testing, or development
13 related to unmanned aerial vehicle systems ~~or~~ unmanned aerial vehicle system
14 technologies, or robot and potential applications.

15 **SECTION 5. AMENDMENT.** Section 29-29.4-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **29-29.4-05. Prohibited use - Exceptions.**

- 18 1. A law enforcement agency may not authorize the use of, including granting a permit to
19 use, an unmanned aerial vehicle ~~or robot~~ armed with any lethal weapons.
- 20 2. This chapter prohibits any use of an unmanned aerial vehicle or robot for:
- 21 a. Domestic use in private surveillance. A law enforcement agency may not
22 authorize the use of, including granting a permit to use, an unmanned aerial
23 vehicle or robot to permit any private person to conduct surveillance on any other
24 private person without the express, informed consent of that other person or the
25 owner of any real property on which that other private person is present.
- 26 b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance
27 is otherwise allowed under this chapter.
- 28 3. A law enforcement agency may not authorize the use of a robot to deploy a lethal
29 weapon, unless the weapon is controlled remotely, cannot be activated autonomously,
30 and is used to:

- 1 a. Neutralize an inanimate object at risk of exploding or causing an immediate
2 threat to public safety or property; or
- 3 b. Prevent an imminent and substantial risk of serious bodily injury or death to a law
4 enforcement officer or another individual, in a circumstance where the use of
5 lethal force by an officer would be legally justified.
- 6 4. A law enforcement agency may not authorize the use of an unmanned aerial vehicle or
7 robot to deploy a less than lethal weapon, unless the weapon is controlled remotely
8 and cannot be activated autonomously.
- 9 5. A law enforcement agency, before authorizing any use of force, shall adopt a policy on
10 the use of force by an unmanned aerial vehicle or robot, which includes the individuals
11 with authority to authorize the use of force by an unmanned aerial vehicle or robot.

12 **SECTION 6. AMENDMENT.** Section 29-29.4-06 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **29-29.4-06. Documentation of unmanned aerial vehicle or robot use.**

- 15 1. The person authorized to conduct the surveillance under this chapter shall document
16 all use of an unmanned aerial vehicle or robot for surveillance. The person shall
17 document all surveillance flights as to duration, flight path, and mission objectives.
- 18 2. The flight information must be verified as accurate and complete by the supervising
19 person authorized by a court to conduct the surveillance.
- 20 3. The flight information required under this section must be retained for five years.
- 21 4. Any imaging or any other forms of data lawfully obtained under this chapter which are
22 not accompanied by a reasonable and articulable suspicion that the images or data
23 contain evidence of a crime, or are relevant to an ongoing investigation or trial, may
24 not be retained for more than ninety days.
- 25 5. Except for the operational capabilities of the unmanned aerial vehicle system or robot
26 and other operational information strictly related to the technical conduct and physical
27 security of the surveillance operation, a person accused of a crime that includes
28 evidence gathered through the use of an unmanned aerial vehicle system or robot
29 surveillance may obtain all information relating to the person acquired in the course of
30 the surveillance through subpoena and discovery proceedings available in criminal
31 proceedings.

- 1 6. A law enforcement agency deploying a robot armed with a lethal weapon shall
- 2 document the requirements provided in section 29-29.4-05.
- 3 7. Any other person that has an interest in obtaining the documentation required by this
- 4 section may obtain that documentation pursuant to chapter 44-04.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1613**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.1307.02004](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1613 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1307.02004
Title.

Prepared by the Legislative Council
staff for Senator Castaneda
April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1613

Introduced by

Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman

Senators Castaneda, Magrum, Paulson

1 A BILL for an Act to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03,
2 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law
3 enforcement use of a robot.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 29-29.4-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **29-29.4-01. Definitions.**

8 As used in this chapter:

9 1. "Autonomously" means to operate or govern itself without direct human control.

10 2. "Flight data" means imaging or other observation recording.

11 ~~2.3.~~ "Flight information" means flight duration, flight path, and mission objective.

12 ~~3.4.~~ "Law enforcement agency or agents" has the meaning provided for law enforcement
13 officer in section 12.1-01-04.

14 ~~4.5.~~ "Less than lethal weapon" means a designed and manufactured object, substance, or
15 weapon that does not create a substantial risk of serious bodily injury or death when
16 used by an individual with proper training.

17 6. "Lethal weapon" means an object, substance, or device designed to cause serious
18 bodily injury or death.

19 7. "Remotely" means directly controlled by human action and decisions.

8. "Robot" means ~~an artificial object or system that senses, processes, and acts using technology. The term includes the associated elements, communication links, and associated artificial intelligence technologies~~ a powered artificial machine or system that upon activation will operate in whole or in part autonomously to perform physical tasks or decisionmaking without real-time human control. The term includes a system capable of using force, conducting surveillance, or moving independent of direct human input. The term does not include a law enforcement body-worn camera, a law enforcement in-car camera or license plate reader, or any other law enforcement camera that does not require a search warrant.

~~5.9.~~ "Unmanned aerial vehicle" means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term does not include satellites.

~~5.6.10.~~ "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and the components that control the unmanned aerial vehicle, which are required for the pilot in command to operate safely and efficiently in state airspace.

SECTION 2. AMENDMENT. Section 29-29.4-02 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-02. Limitations on use of unmanned aerial vehicle systems ~~systems and robots.~~

1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a prosecution or proceeding within the state unless the information was obtained:
 - a. Pursuant to the authority of a search warrant; or
 - b. In accordance with exceptions to the warrant requirement.
2. Information obtained from the operation of an unmanned aerial vehicle or robot 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 subdivision a or b of subsection 1 or was obtained through the monitoring of public lands or international borders.

SECTION 3. AMENDMENT. Section 29-29.4-03 of the North Dakota Century Code is amended and reenacted as follows:

1 **29-29.4-03. Warrant requirements.**

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3 must satisfy the requirements of the Constitution of North Dakota. In addition, the warrant must
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9 operate in each flight or deployment; and
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 - 12 a. The circumstances under which the unmanned aerial vehicle system or robot will
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16 conclusions drawn from that information or data, will be used, disclosed, and
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31 enforcement agency is permitted when exigent circumstances exist. For the purposes

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3. An environmental or weather-related catastrophe. The use of an unmanned aerial vehicle or robot by state or local authorities to preserve public safety, protect property, survey environmental damage to determine if a state of emergency should be declared, or conduct surveillance for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.
4. Research, education, training, testing, or development efforts undertaken by or in conjunction with a school or institution of higher education within the state and its political subdivisions, nor to public and private collaborators engaged in mutually supported efforts involving research, education, training, testing, or development related to unmanned aerial vehicle systems ~~or~~ unmanned aerial vehicle system technologies, or robot and potential applications.

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 - b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance is otherwise allowed under this chapter.
3. A law enforcement agency may not authorize the use of a robot to deploy a lethal weapon, unless the weapon is controlled remotely, cannot be activated autonomously, and is used to:

1 a. Neutralize an inanimate object at risk of exploding or causing an immediate
2 threat to public safety or property; or

3 b. Prevent an imminent and substantial risk of serious bodily injury or death to a law
4 enforcement officer or another individual, in a circumstance where the use of
5 lethal force by an officer would be legally justified.

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7 robot to deploy a less than lethal weapon, unless the weapon is controlled remotely
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