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Neutral Testimony on HB2820
House Committee on Commerce, Labor and Economic Development
March 12, 2024

Chairman Tarwater and Committee Members:

Thank you for the opportunity to provide you with law enforcement perspective on HB2820. Our neutral testimony is on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association.

Our associations understand the need to address the activities of adversarial countries to the United States and the potential use of technology produced in those countries to harvest the information from such technology against our country. While we feel such impact from drones used by law enforcement would be very limited, we understand the purpose behind the bill.

We estimate that there are probably somewhere around 200-250 drones currently being operated by Kansas law enforcement agencies. From the data we have been able to obtain, it appears just under 90% of those are DJI drones manufactured in China and subject to the restrictions proposed in HB2820. The cost of those drones range from around \$12,000 to \$35,000 each depending on their capabilities. Costs vary by flight time; ability to fly in higher winds; camera quality; night vision; etc. Small drones are used for barricaded subjects or potential hostage situations because they can be flown into a building giving officers a view of events normally not possible without physically entering the building risking harm to officers or hostages.

Our members tell us there are two reasons the DJI drones are popular: 1) Their cost is substantially lower than other drones, especially those manufactured in the US, and 2) the quality of the video and other technology appears to be greater than US made drones.

Agencies use drones for a variety of reasons: Missing persons; natural disasters; search for suspects; monitoring police operations; mapping crime scenes; accident reconstruction; special operations/response teams, etc. Drones enhance both public safety and officer safety. They are a force multiplier, especially in searches for missing persons or suspects. Drones can be equipped with a variety of features, with costs increasing as more features are added.

While we understand the concern bringing this bill forward, the bill as currently written brings several concerns. Before we get into those concerns, we want to acknowledge some of the positive provisions of the bill: 1) The prohibition to use existing drones is not immediate [Section 1, subsection (b)]; 2) time is provided to plan and budget for replacements [Section 1, subsection (b)]; 3) a pathway to support continued use of existing drones is provided [Section 1, subsections (b) and (c)]; and 4) definitions provide clarity on the limitations as we seek to replace devices that will be in compliance.

However, we are taking a neutral position due to concerns our membership has voiced. Those include:

1. **This is an unfunded mandate:** And to make it worse, it falls on the heels of a federal unfunded mandate by an FBI Criminal Justice Information Policy we are currently working through which requires us to have encryption capability on our radios for the purpose of security of personal identifier information and protected criminal justice information.
2. **Increased purchase cost:** New drone acquisitions will cost us more for compliant devices with the same capabilities. It appears US made drones will cost an estimated 25% to 100% more than DJI drones depending on features.
3. **Replacement before end-of-life cycle:** While we appreciate the five-year window for replacement, there is no doubt that replacement of some of our existing drones will be required prior to their natural end of life.
4. **Quality of video:** While we don't have firm data on this concern, several of our members have told us that as they went through the purchasing process and testing of devices, they found the video to be superior on the DJI drones as compared to the US made drones.

Amendment recommendations:

- A. Provide state funding to pay the cost of purchasing replacement devices that comply with the restrictions. Missouri is also presently considering a bill with similar drone purchase restrictions, but it provides for full reimbursement of replacement costs.¹

“542.566. Subject to appropriation, any department currently using a drone that does not meet the minimum requirements for that drone’s usage tier may request a reimbursement up to the cost of acquiring a drone that meets the minimum requirements for that drone's usage tier from the state treasurer, provided the request includes purchase orders and a statement describing the drone's usage and necessity.”
- B. Direct a state agency to assist in assuring devices offered for sale comply with the new law. For example, creating a list of drones that meet law enforcement needs and comply with the restrictions created by this bill. Most of our agencies will not have robust abilities to assure compliance from bidders. This is not unprecedented as we currently have lists of authorized devices for measuring breath alcohol; for roadside testing devices for drug use by drivers, and testing devices used to test drugs we encounter in our investigations.
- C. Direct the state to develop state bids for various compliant manufacturers and their vendors that can be used by any government agency in the state. This should include provisions with costs of additional feature options. This would give local agencies the power of bulk buyer pricing.

Thank you for consideration of our perspective, concerns and suggestions.

Chief Darrell Atteberry, Bel Aire Police Department
Legislative Committee Chair
Kansas Association of Chiefs of Police

¹ Missouri House Bill 1415 <https://documents.house.mo.gov/billtracking/bills241/hlrbillspdf/4080H.011.pdf>