



# HOUSE BILL 128: Prohibit Drone Use Over Prison/Jail.

2017-2018 General Assembly

<b>Committee:</b>	House Transportation. If favorable, re-refer to Judiciary II	<b>Date:</b>	March 7, 2017
<b>Introduced by:</b>	Reps. McNeill, Torbett, Faircloth	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	PCS to First Edition H128-CSBG-2		Howard Marsilio Committee Counsel

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 128 would create multiple criminal offenses that make it unlawful for a person to use an unmanned aircraft system (UAS) near local confinement facilities and State or federal correctional facilities. The PCS applies existing state forfeiture procedures to unmanned aircraft systems and property seized under this act.*

**CURRENT LAW:** The following UAS related offenses make it unlawful to:

- Interfere with manned aircraft, G.S. 14-280.3 Interference with manned aircraft by unmanned aircraft systems. This offense is a Class H felony.
- Possess or use a UAS that has a weapon attached, G.S. 14-401.24(a) Unlawful possession and use of unmanned aircraft systems. This offense is a Class E felony.
- Fish or hunt using a UAS unless an exception for possession or use that is authorized by federal law or regulation applies, G.S. 14-401.24(b) Unlawful possession and use of unmanned aircraft systems. This offense is a Class 1 misdemeanor.
- Publish or disseminate thermal or infrared images revealing individuals, materials, or activities inside of a structure taken by a UAS, G.S. 14-401.25 Unlawful distribution of images. This offense is a Class A1 misdemeanor.
- Intentionally interfere with the lawful taking of wildlife resources with a UAS, G.S. 113-295 Unlawful harassment of persons taking wildlife resources. This offense is a Class 1 misdemeanor.
- Operate a UAS in this State for commercial purposes without a permit, G.S. 63-96 Permit required for commercial operation of unmanned aircraft systems. This offense is a Class 1 misdemeanor.

**BILL ANALYSIS:** House Bill 128 (PCS) would make unauthorized use of a UAS within a horizontal distance of 500 feet or a vertical distance of 250 feet of local confinement facilities and State or federal correctional facilities unlawful. This offense would not apply to an authorized law enforcement use, or use authorized with written consent from the official in responsible charge of the facility and that is not otherwise prohibited by State or federal law. This PCS would create the following new criminal offenses:

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- House Bill 128 (PCS) would create a Class H felony for a violation with the purpose of delivering a weapon to a local confinement facility or State or federal correctional facility, and would include a fine of one thousand five hundred dollars (\$1,500).
- House Bill 128 (PCS) would create a Class I felony for a violation with the purpose of delivering contraband to a local confinement facility or State or federal correctional facility, and would include a fine of one thousand dollars (\$1,000). For purposes of this subdivision, the term "contraband" includes controlled substances, cigarettes, alcohol, and communication devices, but does not include weapons.
- House Bill 128 (PCS) would create a Class 1 misdemeanor for a violation for any other purpose, and would include a fine of five hundred dollars (\$500.00).

This PCS would also authorize unmanned aircraft systems and property seized in connection with a violation to go through forfeiture proceedings depending on type:

- Unmanned aircraft systems would undergo forfeiture and disposition as prescribed by G.S. 18B-504 (forfeiture of conveyances used to conceal, convey, or transport intoxicating beverages).
- Other property, weapons, or contraband would undergo forfeiture and disposition as prescribed by G.S. 18B-504 (forfeiture of conveyances used to conceal, convey, or transport intoxicating beverages), G.S. 14-269.1 (confiscation and disposition of deadly weapons), G.S. 90-112 (forfeiture related to controlled substances), or any combination thereof by order of the court.

The proceeds of seized property disposed of by sale for a violation of this act would be paid to the school fund in accordance with Article IX, Section 7 of the Constitution of North Carolina.

**EFFECTIVE DATE:** This act would become effective December 1, 2017, and would apply to offenses committed on or after that date.