



2023-2024 General Assembly

SENATE BILL 582: North Carolina Farm Act of 2023, Sec. 10: Prohibit Use of an Unmanned Aircraft Near a Forest Fire

Committee:
Introduced by:
Analysis of: Sec. 10 of S.L. 2023-63

Date: November 29, 2023
Prepared by: Chris Saunders
Staff Attorney

OVERVIEW: *Section 10 of S.L. 2023-63 prohibits the use of an unmanned aircraft system within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, with exceptions for law enforcement and employees of the North Carolina Forest Service.*

There is a range of penalties for violation of this section. A person who operates an unmanned aerial system in violation of this section would be fined at least \$1,000 and otherwise punished as follows:

- If the person is the proximate cause of death of another person, the person is guilty of a Class D felony.*
- If the person is the proximate cause of serious bodily injury to another person, the person is guilty of a Class E felony.*
- If the person is the proximate cause of serious mental or physical injury to another person, the person is guilty of a Class F felony.*
- If the person interferes with emergency operations and such interference proximately causes damage to any real or personal property or any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being on the land, the person is guilty of a Class G felony.*
- If the person interferes with emergency operations, the person is guilty of a Class H felony.*
- If the person is the proximate cause of mental or physical injury to another person, the person is guilty of a Class I felony.*
- If the person does not cause any of the injuries specified in this list, the person is guilty of a Class A1 misdemeanor.*

A law enforcement agency is authorized to seize an unmanned aircraft system operating in violation of this section.

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 582

Page 2

BILL ANALYSIS: Section 10 of S.L. 2023-63 prohibits the use of an unmanned aircraft system within either a horizontal distance of 3,000 feet or a vertical distance of 3,000 feet from any forest fire within the jurisdiction of the North Carolina Forest Service, with exceptions for law enforcement and employees of the North Carolina Forest Service.

There is a range of penalties for violation of this section. A person who operates an unmanned aerial system in violation of this section would be fined at least \$1,000 and otherwise punished as follows:

- If the person is the proximate cause of death of another person, the person is guilty of a Class D felony.
- If the person is the proximate cause of serious bodily injury to another person, the person is guilty of a Class E felony.
- If the person is the proximate cause of serious mental or physical injury to another person, the person is guilty of a Class F felony.
- If the person interferes with emergency operations and such interference proximately causes damage to any real or personal property or any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being on the land, the person is guilty of a Class G felony.
- If the person interferes with emergency operations, the person is guilty of a Class H felony.
- If the person is the proximate cause of mental or physical injury to another person, the person is guilty of a Class I felony.
- If the person does not cause any of the injuries specified in this list, the person is guilty of a Class A1 misdemeanor.

The levels of injuries in this section are defined as follows:

- Physical or mental injury. – Cuts, scrapes, bruises, or other physical or mental injury that does not constitute serious bodily injury or serious physical or mental injury.
- Serious physical or mental injury. – Physical or mental injury that causes great pain and suffering.
- Serious bodily injury. – Bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

A law enforcement agency is authorized to seize an unmanned aircraft system operating in violation of this section.

EFFECTIVE DATE:

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective December 1, 2023, and applies to offenses committed on or after that date.

BACKGROUND: Under previously existing law, there are several restrictions on uses of an unmanned aircraft system (colloquially known as a drone). It is generally prohibited to use an unmanned aircraft

Senate Bill 582

Page 3

system to conduct surveillance of a person or a dwelling occupied by a person without the person's consent or to photograph an individual for the purpose of publishing or disseminating the photograph without the individual's consent.

G.S. 15A-300.3 prohibits the use of an unmanned aircraft system within either a horizontal distance of 500 feet, or a vertical distance of 250 feet from any local confinement facility, or a State or federal correctional facility. A person who delivers or attempts to deliver a weapon to a local confinement facility or State or federal correctional facility using an unmanned aircraft system is guilty of a Class H felony and is subject to a \$1,500 fine. A person who delivers or attempts to deliver contraband to a local confinement facility or State or federal correctional facility using an unmanned aircraft system is guilty of a Class I felony and is subject to a \$1,000 fine. A person who violates that section for any other reason is guilty of a Class I misdemeanor and is subject to a \$500 fine.