

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 128
Committee Substitute Favorable 3/7/17
PROPOSED COMMITTEE SUBSTITUTE H128-PCS40258-BG-4

Short Title: Prohibit Drone Use Over Prison/Jail.

(Public)

Sponsors:

Referred to:

February 20, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A
3 LOCAL CONFINEMENT FACILITY OR STATE OR FEDERAL CORRECTIONAL
4 FACILITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 16B of Chapter 15A of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 15A-300.3. Use of an unmanned aircraft system near a confinement or correctional**
9 **facility prohibited.**

10 (a) Prohibition. – No person, entity, or State agency shall use an unmanned aircraft
11 system within a horizontal distance of 500 feet or a vertical distance of 250 feet from any local
12 confinement facility or State or federal correctional facility. For the purpose of this section,
13 horizontal distance shall extend outward from the furthest exterior building walls, perimeter
14 fences, and permanent fixed perimeter, or from another boundary clearly marked with posted
15 notices. Posted notices shall be conspicuously posted not more than 100 yards apart along a
16 marked boundary and comply with Department of Transportation guidelines.

17 (b) Exceptions. – Unless the use of the unmanned aircraft system is otherwise
18 prohibited under State or federal law, the provisions of subsection (a) of this section do not
19 apply to any of the following:

20 (1) A person operating an unmanned aircraft system with written consent from
21 the official in responsible charge of the facility.

22 (2) A law enforcement officer using an unmanned aircraft system in accordance
23 with G.S. 15A-300.1(c).

24 (3) A public utility, as defined in G.S. 62-3(23), or a provider, as defined in
25 G.S. 146-29.2(a)(6), provided that the public utility or provider complies
26 with all of the following:

27 a. Remains outside a horizontal distance of 100 feet or a vertical
28 distance of 100 feet from any local confinement facility or State or
29 federal correctional facility.

30 b. Notifies the official in responsible charge of the facility at least 24
31 hours prior to operating the unmanned aircraft system.

32 c. Uses the unmanned aircraft system for the purpose of inspecting
33 public utility or provider transmission lines or equipment.



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1 d. Uses the unmanned aircraft system for commercial purposes pursuant
2 to and in compliance with Federal Aviation Administration
3 regulations, authorizations, or exemptions.

4 (c) Penalty. – The following penalties apply for violations of subsection (a) of this
5 section:

6 (1) A person who uses an unmanned aircraft system in violation of subsection
7 (a) of this section for the purpose of delivering a weapon to a local
8 confinement facility or State or federal correctional facility is guilty of a
9 Class H felony, which shall include a fine of one thousand five hundred
10 dollars (\$1,500). For purposes of this subdivision, the term "weapon" is as
11 defined in G.S. 14-401.24(c).

12 (2) A person who uses an unmanned aircraft system in violation of subsection
13 (a) of this section for the purpose of delivering contraband to a local
14 confinement facility or State or federal correctional facility is guilty of a
15 Class I felony, which shall include a fine of one thousand dollars (\$1,000).
16 For purposes of this subdivision, the term "contraband" includes controlled
17 substances, as defined in G.S. 90-87, cigarettes, alcohol, and communication
18 devices, but does not include weapons.

19 (3) A person who uses an unmanned aircraft system in violation of subsection
20 (a) of this section for any other purpose is guilty of a Class 1 misdemeanor,
21 which shall include a fine of five hundred dollars (\$500.00).

22 (d) Seizure, Forfeiture, and Disposition of Seized Property. – A law enforcement
23 agency may seize an unmanned aircraft system and any attached property, weapons, and
24 contraband used in violation of this section. An unmanned aircraft system used in violation of
25 this section and seized by a law enforcement agency is subject to forfeiture and disposition
26 pursuant to G.S. 18B-504. An innocent owner or holder of a security interest applying to the
27 court for release of the unmanned aircraft system, in accordance with G.S. 18B-504(h), shall
28 also provide proof of ownership or security interest and written certification that the unmanned
29 aircraft system will not be returned to the person who was charged with the violation of
30 subsection (a) of this section. The court shall forfeit and dispose of any other property,
31 weapons, or contraband seized by a law enforcement agency in connection with a violation of
32 this section pursuant to G.S. 18B-504, 14-269.1, 90-112, or any combination thereof."

33 **SECTION 2.** For the purpose of restricting the operation of an unmanned aircraft
34 system in accordance with Section 1 of this act, the Division of Aviation of the Department of
35 Transportation shall petition the Federal Aviation Administration (FAA) to designate any local
36 confinement facility or State or federal correctional facility in the State as a fixed site facility,
37 pursuant to rules and regulations adopted pursuant to section 2209 of the FAA Extension,
38 Safety, and Security Act of 2016, Public Law No. 114-190. The Division shall follow all
39 guidance from the FAA in submitting and processing the petition. The Division shall publish
40 designations by the FAA in accordance with this act on the Division Web site.

41 **SECTION 3.** The Division of Aviation of the Department of Transportation shall
42 develop guidelines for the content and dimensions for posted notices to mark boundaries in
43 accordance with Section 1 of this act.

44 **SECTION 4.** This act becomes effective December 1, 2017, and applies to
45 offenses committed on or after that date.