

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 128
Committee Substitute Favorable 3/7/17
Committee Substitute #2 Favorable 3/21/17
Committee Substitute #3 Favorable 4/4/17
Senate Transportation Committee Substitute Adopted 6/14/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H128-PCS10384-TY-30

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 either a horizontal distance of 500 feet, or a vertical distance of 250 feet from
12 any local confinement facility, as defined in G.S. 153A-217, or State or federal correctional
13 facility. For the purpose of this section, horizontal distance shall extend outward from the
14 furthest exterior building walls, perimeter fences, and permanent fixed perimeter, or from
15 another boundary clearly marked with posted notices. Posted notices shall be conspicuously
16 posted not more than 100 yards apart along a marked boundary and comply with Department of
17 Transportation guidelines.

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

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

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

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

28 a. The unmanned aircraft system must not be used within either a
29 horizontal distance of 150 feet, or within a vertical distance of 150
30 feet from any local confinement facility or State or federal
31 correctional facility.



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- 1 b. Notifies the official in responsible charge of the facility at least 24
2 hours prior to operating the unmanned aircraft system. A commercial
3 entity operating in compliance with G.S.15A-300.1 and pursuant to
4 the provisions of this subdivision is exempt from the 24-hour notice
5 requirement.
- 6 c. Uses the unmanned aircraft system for the purpose of inspecting
7 public utility or provider transmission lines, equipment, or
8 communication infrastructure or for another purpose directly related
9 to the business of the public utility, provider, or commercial entity.
- 10 d. Uses the unmanned aircraft system for commercial purposes pursuant
11 to and in compliance with (i) Federal Aviation Administration
12 regulations, authorizations, or exemptions and (ii) Article 10 of
13 Chapter 63 of the General Statutes.
- 14 e. The person operating the unmanned aircraft system does not
15 physically enter the prohibited space without an escort from the
16 facility.
- 17 (4) An emergency management agency, as defined in G.S. 166A-19.3,
18 emergency medical services personnel, firefighters, and law enforcement
19 officers, when using an unmanned aircraft system in response to an
20 emergency.
- 21 (c) Penalty. – The following penalties apply for violations of this section:
- 22 (1) A person who uses an unmanned aircraft system (i) in violation of
23 subsection (a) of this section or (ii) pursuant to an exception in subsection
24 (b) of this section and who delivers, or attempts to deliver, a weapon to a
25 local confinement facility or State or federal correctional facility is guilty of
26 a Class H felony, which shall include a fine of one thousand five hundred
27 dollars (\$1,500). For purposes of this subdivision, the term "weapon" is as
28 defined in G.S. 14-401.24(c).
- 29 (2) A person who uses an unmanned aircraft system (i) in violation of
30 subsection (a) of this section or (ii) pursuant to an exception in subsection
31 (b) of this section and who delivers, or attempts to deliver, contraband to a
32 local confinement facility or State or federal correctional facility is guilty of
33 a Class I felony, which shall include a fine of one thousand dollars (\$1,000).
34 For purposes of this subdivision, the term "contraband" includes controlled
35 substances, as defined in G.S. 90-87, cigarettes, alcohol, and communication
36 devices, but does not include weapons.
- 37 (3) A person who uses an unmanned aircraft system in violation of subsection
38 (a) of this section for any other purpose is guilty of a Class 1 misdemeanor,
39 which shall include a fine of five hundred dollars (\$500.00).
- 40 (d) Seizure, Forfeiture, and Disposition of Seized Property. – A law enforcement
41 agency may seize an unmanned aircraft system and any attached property, weapons, and
42 contraband used in violation of this section. An unmanned aircraft system used in violation of
43 this section and seized by a law enforcement agency is subject to forfeiture and disposition
44 pursuant to G.S. 18B-504. An innocent owner or holder of a security interest applying to the
45 court for release of the unmanned aircraft system, in accordance with G.S. 18B-504(h), shall
46 also provide proof of ownership or security interest and written certification that the unmanned
47 aircraft system will not be returned to the person who was charged with the violation of
48 subsection (a) of this section. The court shall forfeit and dispose of any other property,
49 weapons, or contraband seized by a law enforcement agency in connection with a violation of
50 this section pursuant to G.S. 18B-504, 14-269.1, 90-112, or any combination thereof."

1 **SECTION 2.** For the purpose of restricting the operation of an unmanned aircraft
2 system in accordance with Section 1 of this act, the Division of Aviation of the Department of
3 Transportation shall petition the Federal Aviation Administration (FAA) to designate any local
4 confinement facility, as defined in G.S. 153A-217, or State or federal correctional facility in the
5 State as a fixed site facility, pursuant to rules and regulations adopted pursuant to section 2209
6 of the FAA Extension, Safety, and Security Act of 2016, Public Law No. 114-190. The
7 Division shall follow all guidance from the FAA in submitting and processing the petition. The
8 Division shall publish designations by the FAA in accordance with this act on the Division
9 Web site.

10 At the request of the Division, the Social Services Commission of the Department of
11 Health and Human Services shall provide to the Division a list of local confinement facilities,
12 as defined in G.S. 153A-217, including facility location and a contact person for each facility.
13 At the request of the Division, the Department of Public Safety shall provide to the Division a
14 list of State correctional facilities, including facility location, a contact person for each facility,
15 and each facility's operational status.

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

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