

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1229
Judiciary

(Delegate Buckel, *et al.*)

Correctional Facilities - Unmanned Aircraft Systems - Proximity

This bill prohibits a person from flying an “unmanned aircraft system” (UAS) within 1,000 feet of a correctional facility. The prohibition does not apply when a UAS is used in accordance with a valid search warrant or in connection with an emergency response for safety, search and rescue, or a controlled dangerous substance investigation. A violator is guilty of a felony and subject to maximum penalties of imprisonment for four years and/or a \$2,000 fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill’s penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: “Unmanned aircraft system” means a powered aerial vehicle that (1) does not carry a human operator; (2) uses aerodynamic forces to provide vehicle lift; (3) can fly autonomously or be piloted remotely; and (4) is expendable or recoverable. “Unmanned aircraft system” does not include (1) a model flying airplane or rocket, including one that is radio-controlled or otherwise remotely controlled and used purely for sport or recreational purposes or (2) a UAS used in mapping or resource management.

Current Law: Chapter 164 of 2015 established that only the State may enact a law or take other official action to restrict, prohibit, or otherwise regulate the testing or operation of UASs. The authority of a county or municipality to prohibit, restrict, or otherwise regulate the testing or operation of UASs is preempted by this law, and any prior enacted local laws are superseded.

Background: Unmanned aerial vehicles (UAVs), or drones as they are commonly known, have become increasingly popular devices and not just among aviation hobbyists. These aerial vehicles come in various sizes, ranging from the size of an insect (nanodrones or micro-UAVs) to the size of a jetliner. Drones are operated by remote control with personnel on the ground and/or autonomous programming. The entire system required to operate a drone – the personnel, the programming or digital network, and the aircraft – is referred to as a UAS.

UAVs have been used in numerous applications, including photography, firefighting, surveillance, warfare, search and rescue, wildlife tracking, and border patrol.

On October 19, 2015, federal officials announced that UAV owners would be required to register their aircraft with the federal government. The registration requirement is, in part, an effort to increase accountability amid reports of UAVs interfering with commercial aircraft and concern over the potential threat UAVs pose to aviation safety. The U.S. Department of Transportation and the Federal Aviation Administration (FAA) formed a task force to develop the registration process, including determining which aircraft should be exempted from registration. The task force submitted its final report on November 20, 2015. Effective December 20, 2015, anyone who owns a small unmanned aircraft of a certain weight must register with FAA's online UAS registry before the aircraft is flown outdoors. Failure to register may result in civil and criminal penalties.

Additional Information

Prior Introductions: None.

Cross File: SB 1105 (Senator Edwards) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford, Montgomery, and Talbot counties; City of College Park; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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fn/lgc

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