

Department of Legislative Services

Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 702

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Public Safety and Correctional Services)

Judicial Proceedings

**Correctional Services - State Correctional Facilities - Unauthorized Operation of
Unmanned Aircraft**

This departmental bill prohibits a person from operating or causing the operation of an “unmanned aircraft” (UA) above a State correctional facility unless authorized by the Secretary of Public Safety and Correctional Services or the Secretary’s designee. A person may be found guilty of violating this prohibition regardless of whether the person knew or had reason to know that the person was operating or causing the operation of a UA above a correctional facility. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a \$1,000 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: The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: “Correctional facility” includes the buildings and grounds of a correctional facility. “Unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

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 UAs. The authority of a county or municipality to prohibit, restrict, or otherwise regulate the testing or operation of UAs is preempted by this law, and any prior enacted local laws are superseded.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. UAVs 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 an unmanned aerial system.

DPSCS advises that individuals are increasingly using UAVs as a means to deliver contraband (such as cell phones, controlled dangerous substances, and weapons) into correctional facilities, which places the incarcerated population and correctional officers at heightened risk.

The Federal Aviation Administration adopted regulations in 2018 prohibiting the operation of UAVs within 400 feet of 20 federal Bureau of Prisons facilities. DPSCS advises that while it has the ability to prohibit the use of UAVs above State correctional facilities through policy, there is no statute specifically prohibiting the activity and, therefore, no associated criminal penalty.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Federal Bureau of Prisons; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2023
km/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Services – State Correctional Facilities – Unauthorized Operation of Unmanned Aircraft

BILL NUMBER: SB0702

PREPARED BY: Jennifer Beskid

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS