

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

Short Title: Prohibit Drone Use Over Prison/Jail.

(Public)

Sponsors:

Referred to:

February 20, 2017

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A LOCAL CONFINEMENT FACILITY OR STATE OR FEDERAL CORRECTIONAL FACILITY.

The General Assembly of North Carolina enacts:

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

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

(a) Prohibition. – No person, entity, or State agency shall use an unmanned aircraft system within a horizontal distance of 500 feet or a vertical distance of 250 feet from any local confinement facility, as defined in G.S. 153A-217, or State or federal correctional facility. For the purpose of this section, horizontal distance shall extend outward from the furthest exterior building walls, perimeter fences, and permanent fixed perimeter, or from another boundary clearly marked with posted notices. Posted notices shall be conspicuously posted not more than 100 yards apart along a marked boundary and comply with Department of Transportation guidelines.

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

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

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

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

a. The unmanned aircraft system remains outside a horizontal distance of 150 feet or a vertical distance of 150 feet from any local confinement facility or State or federal correctional facility.

b. Notifies the official in responsible charge of the facility at least 24 hours prior to operating the unmanned aircraft system. A commercial entity operating in compliance with G.S.15A-300.1 and pursuant to



1           the provisions of this subdivision is exempt from the 24-hour notice  
2           requirement.

3           c. Uses the unmanned aircraft system for the purpose of inspecting  
4           public utility or provider transmission lines, equipment, or  
5           communication infrastructure or for another purpose directly related  
6           to the business of the public utility, provider, or commercial entity.

7           d. Uses the unmanned aircraft system for commercial purposes pursuant  
8           to and in compliance with (i) Federal Aviation Administration  
9           regulations, authorizations, or exemptions and (ii) Article 10 of  
10           Chapter 63 of the General Statutes.

11           e. The person operating the unmanned aircraft system does not  
12           physically enter the prohibited space without an escort from the  
13           facility.

14           (4) An emergency management agency, as defined in G.S. 166A-19.3,  
15           emergency medical services personnel, firefighters, and law enforcement  
16           officers, when using an unmanned aircraft system in response to an  
17           emergency.

18        (c) Penalty. – The following penalties apply for violations of this section:

19           (1) A person who uses an unmanned aircraft system (i) in violation of  
20           subsection (a) of this section or (ii) pursuant to an exception in subsection  
21           (b) of this section and who delivers, or attempts to deliver, a weapon to a  
22           local confinement facility or State or federal correctional facility is guilty of  
23           a Class H felony, which shall include a fine of one thousand five hundred  
24           dollars (\$1,500). For purposes of this subdivision, the term "weapon" is as  
25           defined in G.S. 14-401.24(c).

26           (2) A person who uses an unmanned aircraft system (i) in violation of  
27           subsection (a) of this section or (ii) pursuant to an exception in subsection  
28           (b) of this section and who delivers, or attempts to deliver, contraband to a  
29           local confinement facility or State or federal correctional facility is guilty of  
30           a Class I felony, which shall include a fine of one thousand dollars (\$1,000).  
31           For purposes of this subdivision, the term "contraband" includes controlled  
32           substances, as defined in G.S. 90-87, cigarettes, alcohol, and communication  
33           devices, but does not include weapons.

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

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

48           **SECTION 2.** For the purpose of restricting the operation of an unmanned aircraft  
49 system in accordance with Section 1 of this act, the Division of Aviation of the Department of  
50 Transportation shall petition the Federal Aviation Administration (FAA) to designate any local  
51 confinement facility, as defined in G.S. 153A-217, or State or federal correctional facility in the

1 State as a fixed site facility, pursuant to rules and regulations adopted pursuant to section 2209  
2 of the FAA Extension, Safety, and Security Act of 2016, Public Law No. 114-190. The  
3 Division shall follow all guidance from the FAA in submitting and processing the petition. The  
4 Division shall publish designations by the FAA in accordance with this act on the Division  
5 Web site.

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

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

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