

# Legislative Analysis



## DRONES: PROHIBIT CERTAIN ACTIVITY

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bills 4866-4868 as introduced

**Sponsor: Rep. Kurt Heise**  
**Committee: Criminal Justice**  
**Complete to 11-2-15**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4866 would make it a felony to fly an unmanned aerial vehicle within 1,500 feet of a correctional facility or county jail. House Bill 4867 places the felony provision created by HB 4866 within the sentencing guidelines. House Bill 4868 creates a misdemeanor penalty for certain conduct regarding the operation of a drone. The bills would take effect 90 days after enactment.

#### House Bill 4866

The bill adds a new section to the Corrections Code (MCL 791.629b, proposed). Under the bill, a person operating an unmanned aerial vehicle (drone) would be prohibited from flying the device within 1,500 feet of any correctional facility or county jail in the state. A violation would be a felony punishable by imprisonment for not more than four years and/or a fine of not more than \$2,000.

The bill would not apply to a law enforcement agency operating an unmanned aerial vehicle under Federal Aviation Administration (FAA) regulations. "Law enforcement agency" is defined to mean the departments of State Police and Natural Resources, or a law enforcement agency of a county, township, city, or village that is responsible for the prevention and detection of crime and enforcement of the criminal laws of the state.

"Unmanned aerial vehicle" is defined to mean an unmanned vehicle or device that uses aerodynamic forces to achieve flight and is piloted remotely.

#### House Bill 4867

The bill places the maximum term of incarceration for a violation of House Bill 4866 within the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.17f). The bill specifies that operating an unmanned aerial vehicle within 1,500 feet of a correctional facility or county jail is a Class F felony against the public safety with a maximum term of imprisonment of four years. The bill is tie-barred to House Bill 4866.

#### House Bill 4868

The bill amends an existing provision and adds a new section to the Aeronautics Code to prohibit and provide penalties for certain conduct with a drone (MCL 259.3 and 259.98,

proposed). "Drone" is defined to mean an aircraft, or other flying device, that is remotely controlled. The bill prohibits a person operating a drone from doing any of the following:

- ❖ Knowingly flying the drone in a manner that interferes with a public safety operation. "Public safety operation" would mean an operation that involves the actions of any of the following individuals while the individual is performing his or her duties:
  - A police officer of the state or of a political subdivision. This includes, but is not limited to, a motor carrier officer or Capitol security officer of the Department of State Police.
  - A police officer of a junior college, college, or university who is authorized by the institution's governing board to enforce state law and the rules and ordinances of the institution.
  - A Department of Natural Resources or Department of Environmental Quality conservation officer.
  - A conservation officer of the U.S. Department of the Interior.
  - A sheriff or deputy sheriff.
  - A constable.
  - A peace officer of a duly authorized police agency of the U.S., including, but not limited to, an agent of the U.S. Department of Justice.
  - An employee of the U.S. Department of Homeland Security, including, but not limited to, customs and border protection and the Secret Service.
  - A firefighter.
  - A state-licensed medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.
  - An individual engaged in a search and rescue operation as defined in Section 50c of the Michigan Penal Code.
  - An individual who is a member of the U.S. military and in active military service or a member of the National Guard or the defense force and in active state service, as that term is defined in Section 105 of the Michigan Military Act.
  
- ❖ Knowingly flying the drone in a manner that interferes with the provision of services by a public utility as defined in Public Act 299 of 1972, *but including a municipally owned utility*. (PA 299 defines the term to mean a steam, heat, electric, power, gas, water, wastewater, telecommunications, telegraph, communications, pipeline, or gas producing company regulated by the commission, whether private, corporate, or cooperative, except a municipally owned utility.)
  
- ❖ Knowingly flying the drone for the purpose of committing an act that is punishable as a felony or misdemeanor under state law.

A violation would be a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000.

## **FISCAL IMPACT:**

### House Bill 4866:

To the extent that the bill results in a greater number of convictions, it could increase costs on the state's correctional system. Information is not available on the number of persons that might be convicted under the provisions of the bill. New felony convictions would result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,800 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,760 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

### House Bill 4867:

The bill amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

### House Bill 4868:

To the extent that the bill results in a greater number of convictions, it could increase costs on local correctional systems. Information is not available on the number of persons that might be convicted under the provisions of the bill. New misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.