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BILL ANALYSIS



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House Bill 4868 (Substitute H-3 as passed by the House)
Sponsor: Representative Kurt Heise
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 2-9-16

CONTENT

The bill would amend the Aeronautics Code to prohibit and prescribe a criminal penalty for knowingly operating an unmanned aerial vehicle (UAV) in a manner that obstructed a public safety operation or interfered with the operation of certain facilities, or for the purpose of trespassing or committing a crime.

The bill would take effect 90 days after its enactment.

The bill would define "unmanned aerial vehicle" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Prohibition

The bill would prohibit a person who was operating a UAV from knowingly operating it as follows:

- In a manner that obstructed a public safety operation.
- In a manner that interfered with the operations of a public utility, key facility, correctional facility, or public transportation service.
- To trespass as prohibited by the Michigan Penal Code, without lawful authority, on or above property owned or under the control of another person.
- To trespass, on or above property owned or under the control of another person, in order to subject another person to eavesdropping or surveillance.
- For the purpose of committing a felony or misdemeanor under Michigan law.

A violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000.

The prohibition would apply only to individuals operating a UAV for hobby or recreation purposes and would not affect the ability to investigate, arrest, prosecute, or convict a person for any other violation of Michigan law.

Defined Terms

The bill would define "public safety operation" as an operation that involves the actions of any of the following individuals while he or she is performing his or her official duties:

- A police officer of the State or a political subdivision of the State, including a motor carrier officer or Capitol security officer.

- A police officer of a junior college, college, or university authorized by the school's governing board to enforce State law and the school's rules and ordinances.
- A conservation officer of the Department of Natural Resources or the Department of Environmental Quality.
- 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 United States, including an agent of the U.S. Department of Justice.
- An employee of the U.S. Department of Homeland Security, including Customs and Border Protection and the Secret Service.
- A firefighter.
- A State correctional officer or a local corrections officer.
- A railroad police officer, commissioned under the Railroad Code.
- A 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 conducted at the direction of an agency of the State or a political subdivision of the State to locate or rescue a lost, injured, or deceased person.
- A member of the U.S. military in active military service or a member of the National Guard or the Defense Force in active State service.

"Public utility" would mean that term as defined in Section 1 of Public Act 299 of 1972 (a steam, heat, electric, power, gas, water, wastewater, telecommunications, telegraph, communications, pipeline, or gas producing company regulated by the Public Service Commission). As used in the bill, the term also would include a municipally owned utility.

"Key facility" would mean that term as defined in Section 552c of the Michigan Penal Code. (Section 552c defines "key facility" as one or more of the following:

- A chemical manufacturing facility.
- A refinery.
- An electric utility facility.
- A water intake structure or water treatment facility.
- A natural gas utility facility.
- A gasoline, propane, liquid natural gas, or other fuel terminal or storage facility.
- A transportation facility.
- A pulp or paper manufacturing facility.
- A pharmaceutical manufacturing facility.
- A hazardous waste storage, treatment, or disposal facility.
- A telecommunication facility.
- A facility substantially similar to a facility, structure, or station listed above or a resource required to submit a risk management plan under a Federal law that pertains to releases of hazardous substances from stationary sources (42 USC 7412(r)).)

"Correctional facility" would mean a State correctional facility, a jail, or a facility or institution that is maintained and operated by a private contractor under the Corrections Code.

"Public transportation service" would mean that term as defined in Section 10c of Public Act 51 of 1951. (Under that section, the term means the movement of people and goods by publicly or privately owned water vehicle, bus, railroad car, street railway, aircraft, rapid transit vehicle, taxicab, or other conveyance that provides general or special service to the public, but not including charter or sightseeing service or transportation that is exclusively for school purposes.

FISCAL IMPACT

The bill could have a negative, though likely small, fiscal impact on State and local government. An increase in misdemeanor arrests and convictions could place incremental resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.