

# Legislative Analysis



## AMEND UNMANNED AIRCRAFT SYSTEMS ACT

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

**Senate Bill 917 as passed by the Senate**  
**Sponsor: Sen. Peter MacGregor**

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

**Senate Bill 918 as passed by the Senate**  
**Sponsor: Sen. Tom Casperson**

**Senate Bill 919 as passed by the Senate**  
**Sponsor: Sen. Rick Jones**

**Senate Bill 921 (S-1) as passed by the Senate**  
**Senate Bill 922 (S-1) as passed by the Senate**  
**Sponsor: Sen. Darwin Booher**

**House Committee: Communications and Technology**  
**Senate Committee: Transportation**

**Complete to 12-5-18**

### BRIEF SUMMARY:

Senate Bills 917, 918, and 919 would amend the Unmanned Aircraft Systems Act (Public Act 436 of 2016) to specify that the operator of an unmanned aircraft system is criminally liable for any activity using the system for which he or she would be criminally liable for performing directly, to designate duties of a newly created Unmanned Aerial Systems Joint Program Office, and to expand the prohibition on knowingly and intentionally operating an unmanned aircraft system that interferes with the official duties of certain public employees.

Senate Bill 921 would amend the Michigan Penal Code to include penalties for knowingly operating an unmanned aircraft system that interferes with the operations of certain facilities, while Senate Bill 922 would codify those penalties in the Code of Criminal Procedure.

Each of the bills would take effect 90 days after being enacted.

### DETAILED SUMMARY:

Senate Bill 917 would amend Section 21 of the Act to expand the prohibition on interfering with the official duties of certain public employees. Currently, the section prohibits an individual from knowingly and intentionally operating an unmanned aircraft system in a manner that interferes with the official duties of search and rescue personnel or of a police officer, firefighter, or paramedic.

The bill would replace the term “police officer” with “*law enforcement official*” and use the definition found in the Code of Criminal Procedure (MCL 763.7). “Paramedic” would be replaced with “*emergency medical services personnel*,” which is defined in the Public Health Code (MCL 333.20904).

The bill would also prohibit interference with a *state correctional officer* and a *local corrections officer*.

MCL 259.321

**Senate Bill 918** would add Section 30 to the Act to create an Unmanned Aerial Systems Joint Program Office in the Michigan Department of Transportation (MDOT). The Office would have the following duties under the Unmanned Aircraft Systems Act:

- Provide advice to other departments and agencies of this state about the use of unmanned aircraft systems and related technology.
- Provide advice to the public about all of the following:
  - Regulation of unmanned aircraft systems by the federal government and by this state.
  - Safe operating principles for unmanned aircraft systems.
  - Restrictions on the use of unmanned aircraft systems.
  - Any other matters within the scope of the Office's authority under the Act.
- Provide education and information to departments and agencies of this state, political subdivisions, and the general public about unmanned aircraft systems.
- Receive and consider comments from persons in this state that are interested in or affected by the use of unmanned aircraft systems.

In addition to MDOT, the following state departments would provide support to the Office as necessary and as requested for the Office to perform its duties:

- Michigan State Police
- Department of Natural Resources
- Department of Corrections
- Department of Agriculture and Rural Development
- Department of Licensing and Regulatory Affairs

MCL 259.303 and proposed 259.330

**Senate Bill 919** would add Section 20 to the Act to specify that, for the purposes of Michigan penal law, an unmanned aircraft system would be an extension of the individual operating it. It would not be a defense that a person used an unmanned aircraft system to carry out a violation.

Proposed MCL 259.320

**Senate Bill 921** would add a section to the Michigan Penal Code to prohibit an individual from knowingly and intentionally operating an unmanned aircraft system in a way that interferes with the operations of a key facility, correctional facility, or other law enforcement facility. An individual would also be prohibited from flying or hovering over one of those facilities if the facility is included on the Federal Aviation Administration's registry of fixed site facilities under Section 2209 of the FAA Extension, Safety, and

Security Act of 2016 (PL 114-190). A violation would result in a felony punishable by up to 4 years' imprisonment, up to a \$2,500 fine, or both.

However, these prohibitions would not apply to a commercial operator of an unmanned aircraft system if the aircraft is operated pursuant to and in compliance with FAA regulations, authorizations, and exemptions.

The bill would define *key facility* as that term is defined in the Michigan Penal Code (MCL 750.552c) and would use the definition for *unmanned aircraft* found in the Unmanned Aircraft Systems Act (MCL 259.303).

Proposed MCL 750.45a

**Senate Bill 922** would codify the penalties proposed by SB 921 within the Code of Criminal Procedure and label the offenses as Class F crimes against public safety. This bill is also tie-barred to SB 921, which means that it could not take effect unless SB 921 were also enacted.

MCL 777.16b

#### **FISCAL IMPACT:**

Under **SB 917**, individuals found in violation could be charged with a misdemeanor and/or fined. The bill would have no fiscal impact on the state, but would have an indeterminate fiscal impact on local units of government. The fiscal impact would depend on the number of individuals convicted of a misdemeanor. New misdemeanor convictions would 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, and how the costs are financed, vary by jurisdiction. Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

**SB 918** would have an indeterminate fiscal impact on state government. The bill would create additional costs for the Michigan Department of Transportation; the extent of those costs would depend on the actual scope of the Unmanned Aircraft Systems Joint Program Office activities. The creation of a separate Office within the department assumes some level of staffing and administrative support. Funding for the Office could come from increased appropriations or a shift of existing department resources to the new Office. The costs to other state departments and agencies related to support for the new Office would depend on the level of support required.

The bill has no apparent fiscal impact on local units of government.

**SB 919** specifies that, for the purposes of the penal law, an unmanned aircraft system would be an extension of the individual who was operating it. In a prosecution for a violation, it

would not be a defense that a person used an unmanned aircraft system to carry out the violation. The fiscal impact on the state and on local units of government would depend on the number of new misdemeanor and/or felony convictions resulting from provisions in the bill. New misdemeanor convictions would 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, and how the costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

**SB 921** would have an indeterminate fiscal impact on the state and on local units of government, which would depend on the number of individuals convicted of a felony. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

**SB 922** amends sentencing guidelines and would not have a direct fiscal impact on the state or on local units of government.

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