

COUNTY OF SANTA BARBARA LEGISLATIVE ANALYSIS FORM

This form is required for the Legislative Program Committee to consider taking an advocacy position on an issue or legislative item.

BILL NUMBER: SB 811	AUTHOR: Gaines
INTRO/AMEND DATE: 1/4/16	AUTHOR'S POLITICAL PARTY: Republican
BILL STATUS: Pending: Senate Public Safety Committee	

1) BILL SUBJECT:

Unmanned aircraft systems: correctional facilities

2) FROM DEPARTMENT:

Probation

3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?

4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?

Public Safety

5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)

Would make a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail guilty of a misdemeanor. The bill would make these misdemeanor provisions inapplicable to a person employed by the prison or jail acting within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation or the county sheriff.

6) IMPACT ON COUNTY PROGRAM:

Major Minor None

SANTA BARBARA COUNTY IMPACT:

Major Minor None

STATEWIDE IMPACT:

Major Minor None

Explanation of Impacts:

Controlling the operation of unmanned aircraft over county juvenile and adult facilities is a safety issue, and a confidentiality issue for inmates and detainees

7) WOULD THIS BILL IMPACT:

- | | | |
|---|---|--|
| a. Efficient service delivery and operations? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| b. Fiscal stability? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| c. Inter-agency cooperation? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| d. Local control? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| e. Protection of safety net services? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| f. Community sustainability/economic stability? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |



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LEGISLATIVE ANALYSIS FORM

Additional Comments:

SB 811 is an attempt to address the recent use of drones to drop contraband into prisons by prohibiting the knowing or intentional use of a drone on or over the grounds of a state prison or jail. This prohibition would not apply to prison or jail personnel acting in the scope of their employment or to any entity authorized by the FAA. This and related security issues as well as the confidentiality of juvenile offenders applies to probation run juvenile halls and camps.

8) FISCAL IMPACT ON THE COUNTY:

- Revenue Increase
- Cost Increase
- None
- Revenue Decrease
- Cost Decrease
- Unfunded Mandate
- Undetermined

Additional Comments:

9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:

Please list other agencies below:

Sheriff

10) CSAC POSITION ON BILL:

- Support
- Oppose unless Amended
- Oppose
- Watch
- Support if Amended
- No position taken

11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:

(Indicate support or opposition for each)

CPOC support with amendment

12) PROPOSED AMENDMENTS: (Attach separate sheet)

13) RECOMMENDATION:

- Active Support*
- Active Opposition*
- Watch
- No Change since Last Position
- Passive Support
- Passive Opposition
- Concerns (Why? Explain in #6)
- Support if Amended*
- Oppose unless Amended*
- No Position (Why?)

* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill

Additional Comments:

Probation requests support in amending SB 811, the unmanned aircraft systems bill to include county juvenile halls and juvenile Camps/Ranches.



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LEGISLATIVE ANALYSIS FORM

14) LEGISLATIVE ANALYSIS FORM PREPARED BY: L.Bethel

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SENATE BILL

No. 811

Introduced by Senator Gaines

January 4, 2016

An act to add Section 4577 to the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 811, as introduced, Gaines. Unmanned aircraft systems: correctional facilities.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing state law generally prohibits a person from bringing, possessing, distributing, or selling certain devices and substances, including, among other things, alcoholic beverages, controlled substances, and deadly weapons, in state prison or a jail. Existing law also prohibits unauthorized communication with inmates in state prison or a jail. Existing law provides criminal penalties for violations of these provisions.

This bill would make a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail guilty of a misdemeanor. The bill would make these misdemeanor provisions inapplicable to a person employed by the prison or jail acting within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and

Rehabilitation or the county sheriff. The bill would also make these misdemeanor provisions inapplicable to any entity that is authorized by the Federal Aviation Administration to use an unmanned aircraft system and operates it in accordance with the terms and conditions of the authorization. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4577 is added to the Penal Code, to read:
- 2 4577. (a) Except as provided in subdivisions (b), (c), and (d),
- 3 a person who knowingly and intentionally operates an unmanned
- 4 aircraft system on or above the grounds of a state prison or a jail
- 5 is guilty of a misdemeanor.
- 6 (b) This section does not apply to a person employed by the
- 7 prison who operates the unmanned aircraft system within the scope
- 8 of his or her employment, or a person who receives prior
- 9 permission from the Department of Corrections and Rehabilitation
- 10 to operate the unmanned aircraft system over the prison.
- 11 (c) This section does not apply to a person employed by the jail
- 12 who operates the unmanned aircraft system within the scope of
- 13 his or her employment, or a person who receives prior permission
- 14 from the county sheriff to operate the unmanned aircraft system
- 15 over the jail.
- 16 (d) This section does not apply to any entity for which the
- 17 Federal Aviation Administration has authorized the use of the
- 18 unmanned aircraft system and the unmanned aircraft system is
- 19 operated in accordance with the terms and conditions of the
- 20 authorization.
- 21 (e) For purposes of this section, the following definitions apply:
- 22 (1) "Unmanned aircraft" means an aircraft that is operated
- 23 without the possibility of direct human intervention from within
- 24 or on the aircraft.

1 (2) “Unmanned aircraft system” means an unmanned aircraft
 2 and associated elements, including, but not limited to,
 3 communication links and the components that control the
 4 unmanned aircraft that are required for the pilot in command to
 5 operate safely and efficiently in the national airspace system.

6 SEC. 2. No reimbursement is required by this act pursuant to
 7 Section 6 of Article XIII B of the California Constitution because
 8 the only costs that may be incurred by a local agency or school
 9 district will be incurred because this act creates a new crime or
 10 infraction, eliminates a crime or infraction, or changes the penalty
 11 for a crime or infraction, within the meaning of Section 17556 of
 12 the Government Code, or changes the definition of a crime within
 13 the meaning of Section 6 of Article XIII B of the California
 14 Constitution.

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Existing state law generally prohibits a person from bringing, possessing, distributing, or selling certain devices and substances, including, among other things, alcoholic beverages, controlled substances, and deadly weapons, in state prison or a jail. Existing law also prohibits unauthorized communication with inmates in state prison or a jail. Existing law provides criminal penalties for violations of these provisions.

This bill would make a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail or a county juvenile hall or juvenile camp/ranch guilty of a misdemeanor. The bill would make these misdemeanor provisions inapplicable to a person employed by the prison or jail acting within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation, ~~or~~ the county sheriff, or the probation department. The bill would also make these misdemeanor provisions inapplicable to any entity that is authorized by the Federal Aviation Administration to use an unmanned aircraft system and operates it in accordance with the terms and conditions of the authorization. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

Bill Text

The people of the State of California do enact as follows:

SECTION 1.

Section 4577 is added to the Penal Code, to read:

4577.

(a) Except as provided in subdivisions (b), (c), and (d), a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail or juvenile hall or juvenile camp/ranch is guilty of a misdemeanor.

(b) This section does not apply to a person employed by the prison who operates the unmanned aircraft system within the scope of his or her employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation to operate the unmanned aircraft system over the prison.

(c) This section does not apply to a person employed by the jail who operates the unmanned aircraft system within the scope of his or her employment, or a person who receives prior permission from the county sheriff to operate the unmanned aircraft system over the jail.

(d) This section does not apply to a person employed by the juvenile hall or juvenile camp/ranch who operates the unmanned aircraft system within the

scope of his or her employment, or a person who receives prior permission from the county probation department to operate the unmanned aircraft system over the jail.

(~~e~~) This section does not apply to any entity for which the Federal Aviation Administration has authorized the use of the unmanned aircraft system and the unmanned aircraft system is operated in accordance with the terms and conditions of the authorization.

(~~f~~) For purposes of this section, the following definitions apply:

(1) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(2) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIIB of the California Constitution.