

HB345 INTRODUCED



1 HB345
2 G4N32C2-1
3 By Representative Simpson
4 RFD: State Government
5 First Read: 21-Mar-24



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SYNOPSIS:

This bill would provide that it is unlawful for a person to operate an unmanned aircraft system within a certain area above a Department of Corrections facility, to conduct surveillance of or photograph or otherwise record images of a facility, or introduce or attempt to introduce contraband into a facility and would provide for exceptions.

This bill would provide for penalties for violations.

This bill would also provide that any unmanned aircraft system and any property, weapons, and contraband attached to or dropped from an unmanned aircraft system is subject to civil forfeiture and would provide for the procedure for forfeiture.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.



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29 The purpose or effect of this bill would be to
30 require a new or increased expenditure of local funds
31 within the meaning of the section. However, the bill
32 does not require approval of a local governmental
33 entity or enactment by a 2/3 vote to become effective
34 because it comes within one of the specified exceptions
35 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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43 Relating to the Department of Corrections, to add a new
44 Article 6 to Chapter 7 of Title 13A, Code of Alabama 1975; to
45 provide that it is unlawful for a person to operate an
46 unmanned aircraft system over a Department of Corrections
47 facility in certain circumstances; to provide for exceptions;
48 to provide it is unlawful for a person to introduce or attempt
49 to introduce contraband into a facility; to provide penalties
50 for violations; to provide that any unmanned aircraft system
51 and any property, weapons, and contraband attached to or
52 dropped from an unmanned aircraft system is subject to civil
53 forfeiture; and to provide for the procedure for forfeiture;
54 and in connection therewith would have as its purpose or
55 effect the requirement of a new or increased expenditure of
56 local funds within the meaning of Section 111.05 of the



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57 Constitution of Alabama of 2022.

58 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

59 Section 1. This act shall be known and may be cited as
60 the Drone Regulation Over Alabama Prisons Act.

61 Section 2. Article 6, commencing with Section 13A-7-90,
62 is added to Chapter 7 of Title 13A, Code of Alabama 1975, to
63 read as follows:

64 Article 6

65 §13A-7-90

66 For the purposes of this article, the following terms
67 have the following meanings:

68 (1) FACILITY. Any of the following:

69 a. Any facility, as defined in Section 14-2-1,
70 including existing facilities and facilities in the process of
71 being constructed;

72 b. Any real property owned or leased by the Alabama
73 Department of Corrections or its contractors to the outermost
74 conspicuous physical barrier of the real property; or

75 c. Any public roads within 100 yards from the outermost
76 conspicuous physical barrier of real property owned or leased
77 by the Alabama Department of Corrections or its contractors.

78 (2) OPERATE. Any of the following actions in relation
79 to an unmanned aircraft system:

80 a. Conducting flight operations;

81 b. Launching;

82 c. Landing or otherwise allowing an unmanned aircraft
83 system to make contact with any person or real or personal
84 property;



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85 d. Flying;

86 e. Causing an unmanned aircraft system to drop any
87 payload; or

88 f. Causing an unmanned aircraft system to deploy or
89 discharge an attached weapon, firearm, explosive, destructive
90 device, or ammunition.

91 (3) PERSON. As defined in Section 13A-7-4.3.

92 (4) UNMANNED AIRCRAFT SYSTEM. As defined in Section
93 13A-7-4.3.

94 §13A-7-91

95 (a) Except as provided in subsection (b), a person may
96 not:

97 (1) Operate an unmanned aircraft system within a
98 horizontal distance of 500 feet or a vertical distance of 200
99 feet from a facility; or

100 (2) Operate an unmanned aircraft system to conduct
101 surveillance of or photograph or otherwise record images of a
102 facility.

103 (b) Subsection (a) does not apply to the use of an
104 unmanned aircraft system by:

105 (1) The Alabama Department of Corrections;

106 (2) A person authorized by federal regulations to
107 operate an unmanned aircraft system and is operating the
108 system in a lawful manner and consistent with federal
109 regulations;

110 (3) The Armed Forces of the United States of America;

111 (4) The Alabama National Guard; or

112 (5) Any of the following with prior written permission



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113 from the Commissioner of the Department of Corrections:

114 a. A contractor working on behalf of the Department of
115 Corrections;

116 b. Any state or federal law enforcement agency or
117 public safety agency responding to an emergency;

118 c. A person engaged in official emergency functions or
119 emergency management; or

120 d. Any state or federal public utility.

121 (c) A violation of this section is a Class C felony and
122 a person violating this section shall be fined no less than
123 two thousand five hundred dollars (\$2,500). The sentence shall
124 include a mandatory sentence, which is not subject to
125 suspension or probation, of imprisonment in the Department of
126 Corrections or county jail for not less than 30 days.

127 §13A-7-92

128 (a) A person may not introduce or attempt to introduce
129 any contraband, as defined in Section 13A-10-30, into a
130 facility via operation of an unmanned aircraft system.

131 (b) A violation of this section is a Class C felony and
132 a person violating this section shall be fined no less than
133 two thousand five hundred dollars (\$2,500). The sentence shall
134 include a mandatory sentence, which is not subject to
135 suspension or probation, of imprisonment in the Department of
136 Corrections or county jail for not less than 30 days.

137 §13A-7-93

138 (a) A person may not introduce or attempt to introduce
139 any individual piece of an unmanned aircraft system into a
140 facility.



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141 (b) A violation of this section is a Class C felony and
142 a person violating this section shall be fined no less than
143 two thousand five hundred dollars (\$2,500). The sentence shall
144 include a mandatory sentence, which is not subject to
145 suspension or probation, of imprisonment in the Department of
146 Corrections or a county jail for not less than 30 days.

147 §13A-7-94

148 (a) The Department of Corrections may confiscate an
149 unmanned aircraft system and any property, weapons, and
150 contraband attached to or dropped from an unmanned aircraft
151 system used in violation of this article.

152 (b) Any unmanned aircraft system and any property,
153 weapons, and contraband attached to or dropped from an
154 unmanned aircraft system is subject to civil forfeiture. The
155 procedure for the seizure, forfeiture, condemnation, and
156 disposition shall be the same as set out in Section 20-2-93.

157 §13A-7-95

158 The Commissioner of the Department of Corrections shall
159 adopt regulations as necessary to implement this article.

160 Section 3. Although this bill would have as its purpose
161 or effect the requirement of a new or increased expenditure of
162 local funds, the bill is excluded from further requirements
163 and application under Section 111.05 of the Constitution of
164 Alabama of 2022, because the bill defines a new crime or
165 amends the definition of an existing crime.

166 Section 4. This act shall become effective June 1,
167 2024.