

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2320**

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**Introduced by Assembly Members Calderon and Low**

February 18, 2016

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An act to amend Sections 273.6, 402, 646.9, and 4573.5 of, and to add Section 290.97 to, the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as amended, Calderon. Unmanned aircraft—~~systems: regulation: systems:~~ systems.

(1) Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system.

Existing state law generally authorizes a court to issue an order for the protection of certain persons, including, among others, the victims of domestic violence, elder and dependent adult abuse, workplace violence, and civil harassment. Under existing law, an intentional and knowing violation of those types of protective orders is a misdemeanor. If the violation results in physical injury, or occurs within specified time periods of a previous violation, existing law imposes additional penalties. Existing law also makes the crime of stalking another person, as defined, punishable as a misdemeanor or felony. Existing law makes it a felony to commit that offense when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior.

*This bill would specifically prohibit a person who is prohibited from coming within a specified distance of another person, from operating an unmanned aircraft system in a way that causes an unmanned aircraft, as those terms are defined, to fly within the prohibited distance of the other person or from capturing images of the other person by using an unmanned aircraft system. By creating a new crime, the bill would impose a state-mandated local program.*

*(2) Existing law requires a person who has been convicted of specified sex offenses to register with local law enforcement authorities as a sex offender.*

*This bill would prohibit a person required to register pursuant to those provisions for an offense committed on or after January 1, 2017, from operating an unmanned aircraft system. Because a violation of that provision would be a crime, the bill would impose a state-mandated local program.*

*(3) Existing law provides that every person who goes to the scene of an emergency or stops at the scene of an emergency for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person's employment to view that scene or activities, and thereby impedes police officers, firefighters, emergency medical or other emergency personnel, or military personnel in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.*

*This bill would include, for purposes of these provisions, the operation or use of an unmanned aircraft system in the definition of a person. By expanding the scope of a crime, this bill would impose a state-mandated local program.*

*(4) Existing law makes a person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, guilty of the crime of stalking, punishable as a misdemeanor or a felony.*

*This bill would specifically include, for purposes of these provisions, the operation or use of an unmanned aircraft system in the definition of a person.*

*(5) Existing law makes a person who knowingly brings into certain correctional facilities or certain other places where prisoners or inmates of those facilities are located, any alcoholic beverage, any drugs, other than controlled substances, in any manner, shape, form, dispenser, or container, or any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming any drug other than controlled substances, without having authority so to do by the rules of the correctional facility, guilty of a felony.*

*This bill would specifically include, for purposes of these provisions, the operation or use of an unmanned aircraft system in the definition of a person.*

*(6) The bill would make related legislative findings and declarations and would include a statement of legislative intent.*

*(7) 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.*

~~Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system.~~

~~This bill would state the intent of the Legislature to enact legislation that will regulate unmanned aircraft systems.~~

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

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

1     SECTION 1. (a) *The Legislature finds and declares all of the*  
2 *following:*

3     (1) *The Federal Aviation Act of 1958 established the Federal*  
4 *Aviation Administration (FAA) and made the FAA responsible for*  
5 *the control and use of navigable airspace within the United States.*

6     (2) *The FAA regulates unmanned aircraft systems, also known*  
7 *as drones.*

1 (3) *Public entities, including law enforcement agencies,*  
2 *firefighter units, border and port patrols, disaster relief workers,*  
3 *search and rescue personnel, qualifying public universities,*  
4 *military training facilities, and other government operational*  
5 *mission units, may operate unmanned aircraft systems by applying*  
6 *for a Certificate of Waiver or Authorization from the FAA.*

7 (4) *The FAA is in the process of developing rules that are*  
8 *intended to safely integrate small unmanned aircraft systems into*  
9 *the national airspace system and that, following issuance of a*  
10 *Notice of Proposed Rulemaking and public comment period, are*  
11 *expected to be released in 2016 or 2017.*

12 (5) *The small unmanned aircraft system rules are anticipated*  
13 *to be similar to the current hobbyist rules for operations of model*  
14 *unmanned aircraft systems that limit the area of operation to*  
15 *low-risk and controlled environments and the size of the system*  
16 *to less than 55 pounds.*

17 (6) *While the FAA is developing the small unmanned aircraft*  
18 *system rules, private commercial entities on a*  
19 *company-by-company basis may apply to the FAA for a Section*  
20 *333 exemption from the current rules for manned aircraft by*  
21 *showing that the entity operates with at least an equivalent level*  
22 *of safety. The FAA has granted over 1,900 Section 333 exemptions*  
23 *to date for the commercial operation of unmanned aircraft systems*  
24 *in the photography, film, utilities, energy, infrastructure, real*  
25 *estate, agricultural, and construction industries.*

26 (7) *In addition to being used in military training and operations*  
27 *and public safety areas, unmanned aircraft systems may be used*  
28 *in a wide variety of activities, including oil and natural gas pipeline*  
29 *inspection, transportation, natural disaster aid, search and rescue,*  
30 *precision agriculture, natural resource and environmental*  
31 *protection, bridge and infrastructure inspection, public utility*  
32 *support, construction and building inspection, surveying, golf*  
33 *course marketing, wind turbine inspection, realtor marketing*  
34 *photography, and prison monitoring.*

35 (8) *While the public has expressed concerns with the operation*  
36 *of unmanned aircraft systems, including privacy and safety issues,*  
37 *there are benefits that may be realized by the state, including the*  
38 *state's various industry sectors, from conducting research on*  
39 *unmanned aircraft systems in the state and developing,*

1 *manufacturing, and operating unmanned aircraft systems in the*  
2 *state.*

3 *(9) The FAA has warned that a “patchwork quilt” of inconsistent*  
4 *regulation raises substantial safety concerns, impedes innovation,*  
5 *and makes it virtually impossible for end-users to understand the*  
6 *rules for operating unmanned aircraft systems.*

7 *(b) (1) It is the intent of the Legislature that a person be*  
8 *prohibited from, without the owner or business operator’s written*  
9 *consent, operating or using an unmanned aircraft system to*  
10 *knowingly and intentionally fly within 250 feet of the perimeter of*  
11 *any critical infrastructure facility for the purpose of conducting*  
12 *surveillance of the facility, gathering evidence or collecting*  
13 *information about the facility, or photographically or electronically*  
14 *recording critical infrastructure data.*

15 *(2) For purposes of this subdivision, “critical infrastructure*  
16 *facility” means an airport, an electrical power generation system,*  
17 *a petroleum refinery, a manufacturing facility that utilizes any*  
18 *combustible chemicals either in storage or in the process of*  
19 *manufacturing, a chemical or rubber manufacturing facility, or a*  
20 *petroleum or chemical storage facility.*

21 *SEC. 2. Section 273.6 of the Penal Code is amended to read:*

22 273.6. (a) Any intentional and knowing violation of a  
23 protective order, as defined in Section 6218 of the Family Code,  
24 or of an order issued pursuant to Section 527.6, 527.8, or 527.85  
25 of the Code of Civil Procedure, or Section 15657.03 of the Welfare  
26 and Institutions Code, is a misdemeanor punishable by a fine of  
27 not more than one thousand dollars (\$1,000), or by imprisonment  
28 in a county jail for not more than one year, or by both that fine and  
29 imprisonment.

30 (b) ~~In the event of a~~ A violation of subdivision (a) that results  
31 in physical injury, ~~the person~~ shall be punished by a fine of not  
32 more than two thousand dollars (\$2,000), or by imprisonment in  
33 a county jail for not less than 30 days nor more than one year, or  
34 by both that fine and imprisonment. However, if the person is  
35 imprisoned in a county jail for at least 48 hours, the court may, in  
36 the interest of justice and for reasons stated on the record, reduce  
37 or eliminate the 30-day minimum imprisonment required by this  
38 subdivision. In determining whether to reduce or eliminate the  
39 minimum imprisonment pursuant to this subdivision, the court  
40 shall consider the seriousness of the facts before the court, whether

1 there are additional allegations of a violation of the order during  
2 the pendency of the case before the court, the probability of future  
3 violations, the safety of the victim, and whether the defendant has  
4 successfully completed or is making progress with counseling.

5 (c) Subdivisions (a) and (b) shall apply to the following court  
6 orders:

7 (1) Any order issued pursuant to Section 6320 or 6389 of the  
8 Family Code.

9 (2) An order excluding one party from the family dwelling or  
10 from the dwelling of the other.

11 (3) An order enjoining a party from specified behavior that the  
12 court determined was necessary to effectuate the order described  
13 in subdivision (a).

14 (4) Any order issued by another state that is recognized under  
15 Part 5 (commencing with Section 6400) of Division 10 of the  
16 Family Code.

17 (d) A subsequent conviction for a violation of an order described  
18 in subdivision (a), occurring within seven years of a prior  
19 conviction for a violation of an order described in subdivision (a)  
20 and involving an act of violence or “a credible threat” of violence,  
21 as defined in subdivision (c) of Section 139, is punishable by  
22 imprisonment in a county jail not to exceed one year, or pursuant  
23 to subdivision (h) of Section 1170.

24 (e) ~~In the event of a~~ A subsequent conviction for a violation of  
25 an order described in subdivision (a) for an act occurring within  
26 one year of a prior conviction for a violation of an order described  
27 in subdivision (a) that results in physical injury to a victim, ~~the~~  
28 ~~person~~ shall be punished by a fine of not more than two thousand  
29 dollars (\$2,000), or by imprisonment in a county jail for not less  
30 than six months nor more than one year, by both that fine and  
31 imprisonment, or by imprisonment pursuant to subdivision (h) of  
32 Section 1170. However, if the person is imprisoned in a county  
33 jail for at least 30 days, the court may, in the interest of justice and  
34 for reasons stated in the record, reduce or eliminate the six-month  
35 minimum imprisonment required by this subdivision. In  
36 determining whether to reduce or eliminate the minimum  
37 imprisonment pursuant to this subdivision, the court shall consider  
38 the seriousness of the facts before the court, whether there are  
39 additional allegations of a violation of the order during the  
40 pendency of the case before the court, the probability of future

1 violations, the safety of the victim, and whether the defendant has  
2 successfully completed or is making progress with counseling.

3 (f) The prosecuting agency of each county shall have the primary  
4 responsibility for the enforcement of orders described in  
5 subdivisions (a), (b), (d), and (e).

6 (g) (1) ~~Every~~A person who owns, possesses, purchases, or  
7 receives a firearm knowing he or she is prohibited from doing so  
8 by the provisions of a protective order as defined in Section 136.2  
9 of this code, Section 6218 of the Family Code, or Section 527.6,  
10 527.8, or 527.85 of the Code of Civil Procedure, or Section  
11 15657.03 of the Welfare and Institutions Code, shall be punished  
12 under Section 29825.

13 (2) ~~Every~~A person subject to a protective order described in  
14 paragraph (1) shall not be prosecuted under this section for owning,  
15 possessing, purchasing, or receiving a firearm to the extent that  
16 firearm is granted an exemption pursuant to subdivision (f) of  
17 Section 527.9 of the Code of Civil Procedure, or subdivision (h)  
18 of Section 6389 of the Family Code.

19 (h) If probation is granted upon conviction of a violation of  
20 subdivision (a), (b), (c), (d), or (e), the court shall impose probation  
21 consistent with Section 1203.097, and the conditions of probation  
22 may include, in lieu of a fine, one or both of the following  
23 requirements:

24 (1) That the defendant make payments to a battered women's  
25 shelter or to a shelter for abused elder persons or dependent adults,  
26 up to a maximum of five thousand dollars (\$5,000), pursuant to  
27 Section 1203.097.

28 (2) That the defendant reimburse the victim for reasonable costs  
29 of counseling and other reasonable expenses that the court finds  
30 are the direct result of the defendant's offense.

31 (i) For any order to pay a fine, make payments to a battered  
32 women's shelter, or pay restitution as a condition of probation  
33 under subdivision (e), the court shall make a determination of the  
34 defendant's ability to pay. ~~In no event shall any~~ An order to make  
35 payments to a battered women's shelter *shall not* be made if it  
36 would impair the ability of the defendant to pay direct restitution  
37 to the victim or court-ordered child support. ~~Where~~ *If* the injury  
38 to a married person is caused in whole or in part by the criminal  
39 acts of his or her spouse in violation of this section, the community  
40 property may not be used to discharge the liability of the offending

1 spouse for restitution to the injured spouse, required by Section  
2 1203.04, as operative on or before August 2, 1995, or Section  
3 1202.4, or to a shelter for costs with regard to the injured spouse  
4 and dependents, required by this section, until all separate property  
5 of the offending spouse is exhausted.

6 *(j) (1) This subdivision applies to a person who is both of the*  
7 *following:*

8 *(A) The person is subject to a protective order, as defined in*  
9 *Section 6218 of the Family Code, or a protective order issued*  
10 *pursuant to this code, Section 527.6, 527.8, or 527.85 of the Code*  
11 *of Civil Procedure, or Section 15657.03 of the Welfare and*  
12 *Institutions Code.*

13 *(B) The person is prohibited by the protective order described*  
14 *in subparagraph (A) from coming within a specified distance of*  
15 *another person.*

16 *(2) A person described in paragraph (1) shall not do either of*  
17 *the following:*

18 *(A) Operate an unmanned aircraft system in a way that causes*  
19 *an unmanned aircraft to fly within the prohibited distance of the*  
20 *other person.*

21 *(B) Capture images of the other person by using an unmanned*  
22 *aircraft system.*

23 *(3) A violation of paragraph (2) is a violation of the protective*  
24 *order.*

25 *(4) For the purposes of this subdivision, the following definitions*  
26 *apply:*

27 *(A) “Unmanned aircraft” means an aircraft that is operated*  
28 *without the possibility of direct human intervention from within*  
29 *or on the aircraft.*

30 *(B) “Unmanned aircraft system” means an unmanned aircraft*  
31 *and associated elements, including, but not limited to,*  
32 *communication links and the components that control the*  
33 *unmanned aircraft that are required for the pilot in command to*  
34 *operate safely and efficiently in the national airspace system.*

35 *SEC. 3. Section 290.97 is added to the Penal Code, to read:*

36 *290.97. (a) A person required to register pursuant to this*  
37 *chapter for an offense committed on or after January 1, 2017, shall*  
38 *not operate an unmanned aircraft system.*

39 *(b) For purposes of this section, both of the following definitions*  
40 *apply:*

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

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

9 SEC. 4. Section 402 of the Penal Code is amended to read:

10 402. (a) ~~Every~~(1) A person who goes to the scene of an  
11 emergency, or stops at the scene of an emergency, for the purpose  
12 of viewing the scene or the activities of police officers, firefighters,  
13 emergency medical, or other emergency personnel, or military  
14 personnel coping with the emergency in the course of their duties  
15 during the time it is necessary for emergency vehicles or those  
16 personnel to be at the scene of the emergency or to be moving to  
17 or from the scene of the emergency for the purpose of protecting  
18 lives or property, unless it is part of the duties of that person’s  
19 employment to view that scene or activities, and thereby impedes  
20 police officers, firefighters, emergency medical, or other emergency  
21 personnel or military personnel, in the performance of their duties  
22 in coping with the emergency, is guilty of a misdemeanor.

23 (2) For purposes of this subdivision, a person includes a person  
24 who operates or uses an unmanned aircraft system. For purposes  
25 of this paragraph, both of the following definitions apply:

26 (A) “Unmanned aircraft” means an aircraft that is operated  
27 without the possibility of direct human intervention from within  
28 or on the aircraft.

29 (B) “Unmanned aircraft system” means an unmanned aircraft  
30 and associated elements, including, but not limited to,  
31 communication links and the components that control the  
32 unmanned aircraft that are required for the pilot in command to  
33 operate safely and efficiently in the national airspace system.

34 (b) ~~Every~~A person who knowingly resists or interferes with the  
35 lawful efforts of a lifeguard in the discharge or attempted discharge  
36 of an official duty in an emergency situation, when the person  
37 knows or reasonably should know that the lifeguard is engaged in  
38 the performance of his or her official duty, is guilty of a  
39 misdemeanor.

1 (c) For the purposes of this section, an emergency includes a  
2 condition or situation involving injury to persons, damage to  
3 property, or peril to the safety of persons or property, which results  
4 from a fire, an explosion, an airplane crash, flooding, windstorm  
5 damage, a railroad accident, a traffic accident, a power plant  
6 accident, a toxic chemical or biological spill, or any other natural  
7 or human-caused event.

8 *SEC. 5. Section 646.9 of the Penal Code is amended to read:*

9 646.9. (a) ~~Any~~(1) A person who willfully, maliciously, and  
10 repeatedly follows or willfully and maliciously harasses another  
11 person and who makes a credible threat with the intent to place  
12 that person in reasonable fear for his or her safety, or the safety of  
13 his or her immediate family is guilty of the crime of stalking,  
14 punishable by imprisonment in a county jail for not more than one  
15 year, or by a fine of not more than one thousand dollars (\$1,000),  
16 or by both that fine and imprisonment, or by imprisonment in the  
17 state prison.

18 (2) *For purposes of this subdivision, a person includes a person*  
19 *who operates or uses an unmanned aircraft system. For purposes*  
20 *of this paragraph, both of the following definitions apply:*

21 (A) *“Unmanned aircraft” means an aircraft that is operated*  
22 *without the possibility of direct human intervention from within*  
23 *or on the aircraft.*

24 (B) *“Unmanned aircraft system” means an unmanned aircraft*  
25 *and associated elements, including, but not limited to,*  
26 *communication links and the components that control the*  
27 *unmanned aircraft that are required for the pilot in command to*  
28 *operate safely and efficiently in the national airspace system.*

29 (b) Any person who violates subdivision (a) when there is a  
30 temporary restraining order, injunction, or any other court order  
31 in effect prohibiting the behavior described in subdivision (a)  
32 against the same party, shall be punished by imprisonment in the  
33 state prison for two, three, or four years.

34 (c) (1) Every person who, after having been convicted of a  
35 felony under Section 273.5, 273.6, or 422, commits a violation of  
36 subdivision (a) shall be punished by imprisonment in a county jail  
37 for not more than one year, or by a fine of not more than one  
38 thousand dollars (\$1,000), or by both that fine and imprisonment,  
39 or by imprisonment in the state prison for two, three, or five years.

1 (2) Every person who, after having been convicted of a felony  
2 under subdivision (a), commits a violation of this section shall be  
3 punished by imprisonment in the state prison for two, three, or  
4 five years.

5 (d) In addition to the penalties provided in this section, the  
6 sentencing court may order a person convicted of a felony under  
7 this section to register as a sex offender pursuant to Section  
8 290.006.

9 (e) For the purposes of this section, “harasses” means engages  
10 in a knowing and willful course of conduct directed at a specific  
11 person that seriously alarms, annoys, torments, or terrorizes the  
12 person, and that serves no legitimate purpose.

13 (f) For the purposes of this section, “course of conduct” means  
14 two or more acts occurring over a period of time, however short,  
15 evidencing a continuity of purpose. Constitutionally protected  
16 activity is not included within the meaning of “course of conduct.”

17 (g) For the purposes of this section, “credible threat” means a  
18 verbal or written threat, including that performed through the use  
19 of an electronic communication device, or a threat implied by a  
20 pattern of conduct or a combination of verbal, written, or  
21 electronically communicated statements and conduct, made with  
22 the intent to place the person that is the target of the threat in  
23 reasonable fear for his or her safety or the safety of his or her  
24 family, and made with the apparent ability to carry out the threat  
25 so as to cause the person who is the target of the threat to  
26 reasonably fear for his or her safety or the safety of his or her  
27 family. It is not necessary to prove that the defendant had the intent  
28 to actually carry out the threat. The present incarceration of a  
29 person making the threat shall not be a bar to prosecution under  
30 this section. Constitutionally protected activity is not included  
31 within the meaning of “credible threat.”

32 (h) For purposes of this section, the term “electronic  
33 communication device” includes, but is not limited to, telephones,  
34 cellular phones, computers, video recorders, fax machines, or  
35 pagers. “Electronic communication” has the same meaning as the  
36 term defined in Subsection 12 of Section 2510 of Title 18 of the  
37 United States Code.

38 (i) This section shall not apply to conduct that occurs during  
39 labor picketing.

1 (j) If probation is granted, or the execution or imposition of a  
2 sentence is suspended, for any person convicted under this section,  
3 it shall be a condition of probation that the person participate in  
4 counseling, as designated by the court. However, the court, upon  
5 a showing of good cause, may find that the counseling requirement  
6 shall not be imposed.

7 (k) (1) The sentencing court also shall consider issuing an order  
8 restraining the defendant from any contact with the victim, that  
9 may be valid for up to 10 years, as determined by the court. It is  
10 the intent of the Legislature that the length of any restraining order  
11 be based upon the seriousness of the facts before the court, the  
12 probability of future violations, and the safety of the victim and  
13 his or her immediate family.

14 (2) This protective order may be issued by the court whether  
15 the defendant is sentenced to state prison, county jail, or if  
16 imposition of sentence is suspended and the defendant is placed  
17 on probation.

18 (l) For purposes of this section, “immediate family” means any  
19 spouse, parent, child, any person related by consanguinity or  
20 affinity within the second degree, or any other person who regularly  
21 resides in the household, or who, within the prior six months,  
22 regularly resided in the household.

23 (m) The court shall consider whether the defendant would  
24 benefit from treatment pursuant to Section 2684. If it is determined  
25 to be appropriate, the court shall recommend that the Department  
26 of Corrections and Rehabilitation make a certification as provided  
27 in Section 2684. Upon the certification, the defendant shall be  
28 evaluated and transferred to the appropriate hospital for treatment  
29 pursuant to Section 2684.

30 *SEC. 6. Section 4573.5 of the Penal Code is amended to read:*

31 4573.5. ~~Any~~(a) (1) A person who knowingly brings into any  
32 state prison or other institution under the jurisdiction of the  
33 Department of Corrections, or into any prison camp, prison farm,  
34 or any other place where prisoners or inmates of these institutions  
35 are located under the custody of prison or institution officials,  
36 officers, or employees, or into any county, city and county, or city  
37 jail, road camp, farm or any other institution or place where  
38 prisoners or inmates are being held under the custody of any sheriff,  
39 chief of police, peace officer, probation officer, or employees, or  
40 within the grounds belonging to any institution or place, any

1 alcoholic beverage, any drugs, other than controlled substances,  
2 in any manner, shape, form, dispenser, or container, or any device,  
3 contrivance, instrument, or paraphernalia intended to be used for  
4 unlawfully injecting or consuming any drug other than controlled  
5 substances, without having authority so to do by the rules of the  
6 Department of Corrections, the rules of the prison, institution,  
7 camp, farm, place, or jail, or by the specific authorization of the  
8 warden, superintendent, jailer, or other person in charge of the  
9 prison, jail, institution, camp, farm, or place, is guilty of a felony.

10 ~~The~~

11 *(2) For purposes of this subdivision, a person includes a person*  
12 *who operates or uses an unmanned aircraft system. For purposes*  
13 *of this paragraph, both of the following definitions apply:*

14 *(A) "Unmanned aircraft" means an aircraft that is operated*  
15 *without the possibility of direct human intervention from within*  
16 *or on the aircraft.*

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

22 *(b) The prohibitions and sanctions addressed in this section shall*  
23 *be clearly and prominently posted outside of, and at the entrance*  
24 *to, the grounds of all detention facilities under the jurisdiction of,*  
25 *or operated by, the state or any city, county, or city and county.*

26 *SEC. 7. No reimbursement is required by this act pursuant to*  
27 *Section 6 of Article XIII B of the California Constitution because*  
28 *the only costs that may be incurred by a local agency or school*  
29 *district will be incurred because this act creates a new crime or*  
30 *infraction, eliminates a crime or infraction, or changes the penalty*  
31 *for a crime or infraction, within the meaning of Section 17556 of*  
32 *the Government Code, or changes the definition of a crime within*  
33 *the meaning of Section 6 of Article XIII B of the California*  
34 *Constitution.*

35 ~~SECTION 1. It is the intent of the Legislature to enact~~  
36 ~~legislation that will regulate unmanned aircraft systems.~~

O