

Introduced by Senator GainesJanuary 4, 2016

An act to add Section 402.5 to the Penal Code, relating to unmanned aircraft.

LEGISLATIVE COUNSEL'S DIGEST

SB 810, as introduced, Gaines. Unmanned aircraft: fire interference.

Existing law makes it a misdemeanor to engage in disorderly conduct that delays or prevents a fire from being timely extinguished or to resist or interfere with the lawful efforts of a firefighter in the discharge of an official duty. Existing law makes it a misdemeanor to impede police officers, firefighters, emergency personnel, or military personnel, in the performance of their duties in coping with an emergency.

This bill would make it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system, as defined, in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. The bill would make a violation of this prohibition punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed \$5,000, or by both that imprisonment and fine. By creating a new crime, this 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 402.5 is added to the Penal Code, to read:
2 402.5. (a) It is unlawful to knowingly, intentionally, or
3 recklessly operate an unmanned aircraft or unmanned aircraft
4 system in a manner that prevents or delays the extinguishment of
5 a fire, or in any way interferes with the efforts of firefighters to
6 control, contain, or extinguish a fire, including, but not limited to,
7 efforts to control, contain, or extinguish the fire from the air. A
8 violation of this section is punishable by imprisonment in a county
9 jail not to exceed six months, by a fine not to exceed five thousand
10 dollars (\$5,000), or by both that imprisonment and fine.

11 (b) (1) For purposes of this section, “unmanned aircraft” means
12 an aircraft that is operated without the possibility of direct human
13 intervention from within or on the aircraft.

14 (2) For purposes of this section, “unmanned aircraft system”
15 means an unmanned aircraft and associated elements, including,
16 but not limited to, communication links and the components that
17 control the unmanned aircraft that are required for the individual
18 in command to operate safely and efficiently in the national
19 airspace system.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.