

**Introduced by Senator Gaines**January 4, 2016

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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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