

Public Safety Committee

HB 2363

Brief Description: Addressing the use of unmanned aircraft to deliver contraband.

Sponsors: Representatives Pellicciotti and McDonald.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none"> • Modifies Introducing Contraband offenses to include circumstances where a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

Hearing Date: 1/11/18

Staff: Kelly Leonard (786-7147).

Background:

Introducing Contraband. "Contraband" means any article or thing which a person confined in a detention facility or a secure facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

A person is guilty of Introducing Contraband if he or she knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility for sexually violent predators. The degree of the offense depends on the nature of contraband provided, as follows:

Nature of Contraband	Degree and Level of Offense
Deadly weapon.	First Degree, Class B Felony and Level VII Offense
Contraband with the intent that such contraband be of assistance in an escape or in the commission of a crime.	Second Degree, Class C Felony and Level III Offense
All other contraband.	Third Degree, Misdemeanor

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The third degree offense does not apply to an attorney representing a client confined as a civilly committed sexually violent predator for the purposes of bringing discovery or other legal materials to assist the client in the civil commitment process, so long as the attorney is present when the materials are being reviewed or handled and the attorney takes the materials with him or her when leaving the secure facility.

Sentencing. When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific sentence range within a statutory maximum. Sentences are determined by reference to a sentencing grid, which provides a standard range of months for the sentence. This range is based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. The seriousness level of an offense is designated in statute, ranging from level I to level XVI. The higher the level, the longer the term of incarceration. The offender score may vary from zero to nine plus points depending on the number and nature of prior criminal convictions.

Unmanned Aerial Vehicles. An unmanned aircraft system is an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. An unmanned aircraft is a component of the system. Federal law defines an unmanned aircraft as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. Other names for unmanned aerial systems include unmanned aerial vehicles, remotely piloted aircraft, remotely operated aircraft, and drones.

The Federal Aviation Administration (FAA) authorizes the use of unmanned aircraft in the National Airspace System. Since 2016, the FAA has also adopted rules regulating their use for non-hobby and non-recreational purposes.

Summary of Bill:

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

Introducing Contraband in the first, second, and third degrees are modified to include circumstances where a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

Appropriation: None.

Fiscal Note: Requested on January 8, 2018.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.