

HOUSE BILL REPORT

HB 2363

As Passed House:
January 29, 2018

Title: An act relating to addressing the use of unmanned aircraft to deliver contraband to certain facilities.

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

Sponsors: Representatives Pellicciotti and McDonald.

Brief History:

Committee Activity:

Public Safety: 1/11/18, 1/18/18 [DP].

Floor Activity:

Passed House: 1/29/18, 95-0.

Brief Summary of Bill

- Modifies Introducing Contraband offenses to include circumstances where a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

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.

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.

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.

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: Available.

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

Staff Summary of Public Testimony:

(In support) The bill will address possible safety issues at the Regional Justice Center, which is the primary local correctional facility for south King County. Correctional officers have concerns about the possibility of unmanned aircraft, or drones, being used to get contraband inside the facility. It would be relatively easy for someone to use an unmanned aircraft to drop a deadly weapon or other contraband into the facility. This could be an even greater problem at state correctional facilities, as they have large outdoor yards accessible to inmates. This has occurred in other states. The state should address to protect the safety of staff and inmates.

The current crime would not address a situation where someone attempts to use an unmanned aircraft to deliver contraband, but who is otherwise unsuccessful. That situation would only result in a criminal charge of Attempt. The bill updates the statute based on technological advancements.

(Opposed) None.

Persons Testifying: Representative Pellicciotti, prime sponsor; and Dennis Folk, King County Corrections Guild.

Persons Signed In To Testify But Not Testifying: None.