

SENATE BILL REPORT

HB 2363

As of February 13, 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: Passed House: 1/29/18, 95-0.

Committee Activity: Law & Justice: 2/07/18.

Brief Summary of Bill

- Modifies crimes of introducing contraband in first, second, and third degrees to include the delivery or attempted delivery of contraband using an unmanned aircraft.
- Defines unmanned aircraft to mean an aircraft operated without human intervention from within or on an aircraft.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: 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.

Introducing Contraband—1st degree. A person is guilty of introducing contraband if the person knowingly provides any deadly weapon to any person confined in a detention facility or secure facility. The offense is a class B ranked felony with a seriousness level of VII.

Introducing Contraband—2nd degree. A person is guilty of introducing contraband if the person knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility with the intent that such contraband be of assistance in an escape or in the commission of a crime. The offense is a class C ranked felony with a seriousness level of III.

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.

Introducing Contraband—3rd degree. A person is guilty of introducing contraband in the third degree if the person knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility. The offense is a misdemeanor.

Sentence Ranges. Felonies are either ranked or unranked. For ranked felonies, the sentence range is set forth in statute in a table commonly called a sentencing grid. The sentencing range for felonies ranked with a seriousness level of VII, where an offender has no priors, is 15 to 20 months confinement. The sentence range for felonies ranked with a seriousness level of III, where an offender has no priors, is 1 to 3 months. Felony confinement is served in a state facility such as a prison when the term of confinement is for a year or greater.

A misdemeanor is punished by imprisonment in a county jail for a maximum confinement of not more than ninety days, or by a fine of not more than one thousand dollars, or by both imprisonment and fine.

A detention facility is defined to mean any place for confinement of persons:

- arrested for, charged with or convicted of an offense;
- charged with being or adjudicated to be a juvenile offender;
- held for extradition or as a material witness;
- otherwise confined pursuant to an order of a court; or
- in any work release, furlough, or other such facility or program.

A detention facility broadly encompasses confinement facilities including jails, prisons, and juvenile detention facilities.

A secure facility is defined to mean a residential facility for persons civilly confined as a sexually violent predator that includes security measures sufficient to protect the community. Such facilities include:

- total confinement facilities,
- secure community transition facilities, and
- any residence used as a court-ordered placement.

A secure facility is operated by the Department of Social Health Services.

Unmanned Aircraft. An unmanned aircraft is commonly referred to as a drone but have also been referred to as an unmanned aerial vehicle, unmanned aircraft system, remotely piloted aircraft, or remotely operated aircraft. 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.

The Federal Aviation Administration (FAA) regulates the use of both manned and unmanned aircraft in the National Airspace System. Unmanned aircraft flights are prohibited in controlled airspace without authorization from the FAA. Airspace may be designated as controlled or uncontrolled depending on the region and altitude. Controlled airspace is a defined dimension and may be at varying altitudes. In some areas controlled airspace starts at the ground up, especially near airports and heavily populated metropolitan areas.

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 uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

The sentence ranges for the new offenses of delivery or attempted delivery of contraband by use of an unmanned aircraft are the same as the current offenses for introducing contraband in the first, second, and third degrees.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This addresses a concern of corrections officers of South King County, about the intent to deliver contraband using drones. There have been some use of drones to deliver contraband in other states. This is a major security concern. A drone has been flown near our corrections facility. We do not know if there was an intent to conduct surveillance or potentially introduce contraband. Drones are advanced and affordable. Drugs, weapons, and other dangerous contraband creates real security threats. We need this bill. It allows for more effective law enforcement and modernizes the law to recognize the use of new technologies.

Persons Testifying: PRO: Representative Mike Pellicciotti, Prime Sponsor; Dennis Folk, King County Corrections Guild.

Persons Signed In To Testify But Not Testifying: No one.