



Senate

General Assembly

File No. 626

February Session, 2016

Substitute Senate Bill No. 148

Senate, April 14, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING THE WEAPONIZATION OF DRONES BASED ON A PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective August 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Law enforcement officer" means a special policeman appointed
4 under section 29-18 of the general statutes or any officer, employee or
5 agent of the Division of State Police within the Department of
6 Emergency Services and Public Protection, a special police force,
7 established pursuant to section 10a-156b of the general statutes, or a
8 municipal police department; and

9 (2) "Unmanned aerial vehicle" means any contrivance used or
10 designed for navigation of or flight in air that is power-driven and
11 operated without the possibility of direct human intervention from
12 within or on the contrivance.

13 (b) Except as otherwise provided by law, no person shall operate an
14 unmanned aerial vehicle that is equipped with tear gas or any like or
15 similar deleterious agent, a deadly weapon, as defined in section 53a-3
16 of the general statutes, or an explosive or incendiary device, as defined
17 in section 53-206b of the general statutes.

18 (c) The provisions of subsection (b) of this section shall not apply to
19 a law enforcement officer who operates an unmanned aerial vehicle
20 that is equipped with explosive detection, detonation or disposal
21 equipment provided such officer is authorized by the federal or state
22 government to detect, detonate and dispose of explosives and is
23 engaged in such detection, detonation or disposal.

24 (d) Any person who violates this section shall be guilty of a class C
25 felony.

26 Sec. 2. Subdivision (8) of section 54-280 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *August 1, 2016*):

29 (8) "Offense committed with a deadly weapon" or "offense" means:
30 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
31 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
32 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
33 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
34 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
35 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
36 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
37 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-
38 217b or 53a-217c or section 1 of this act, or a second or subsequent
39 violation of section 53-202g; or (B) a violation of any section of the
40 general statutes which constitutes a felony, as defined in section 53a-
41 25, provided the court makes a finding that, at the time of the offense,
42 the offender used a deadly weapon, or was armed with and threatened
43 the use of or displayed or represented by words or conduct that the
44 offender possessed a deadly weapon;

45 Sec. 3. (NEW) (*Effective from passage*) (a) For the purposes of this
46 section, (1) "unmanned aerial vehicle" means any contrivance used or
47 designed for navigation of or flight in air that is power-driven and
48 operated without the possibility of direct human intervention from
49 within or on the contrivance, and (2) "municipality" has the same
50 meaning as provided in subsection (e) of section 7-101a of the general
51 statutes.

52 (b) Except as otherwise provided by any federal law or state statute,
53 no municipality shall enact any ordinance that regulates, restricts,
54 prohibits, licenses or affects the ownership, possession, operation,
55 purchase or sale of an unmanned aerial vehicle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>August 1, 2016</i>	New section
Sec. 2	<i>August 1, 2016</i>	54-280(8)
Sec. 3	<i>from passage</i>	New section

PRI *Joint Favorable Subst. C/R* JUD
JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new class C felony for the use of weaponized unmanned aerial vehicles. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The bill authorizes law enforcement officers to use weaponized drones in certain circumstances and restricts state and municipal police in their utilization of non-weaponized drones. These provisions will not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 148*****AN ACT PROHIBITING THE WEAPONIZATION OF DRONES
BASED ON A PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE STUDY.*****SUMMARY:**

This bill makes it a class C felony, punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both, to operate unmanned aerial vehicles (commonly called drones) that are weaponized, except that certain law enforcement officers may do so in limited circumstances (bomb squad exemption).

The bill prohibits municipalities, except as state or federal law provides, from enacting any ordinance that regulates, restricts, prohibits, licenses, or affects the ownership, possession, operation, purchase, or sale of drones.

EFFECTIVE DATE: Upon passage for the provision barring municipal regulation of drones; August 1, 2016 for the remaining provisions.

§§ 1 & 2 — WEAPONIZED DRONES

The bill defines an “unmanned aerial vehicle” as any power-driven contrivance used or designed for navigation or flight and operated remotely from outside the contrivance.

The bill creates a new crime, making it a class C felony, unless otherwise provided by law, to operate a drone equipped with tear gas or a similar deleterious agent or a deadly weapon, explosive, or incendiary device. (Drones so equipped are commonly described as weaponized or armed.) People convicted of this crime must register with the deadly weapon offender registry (see BACKGROUND).

Failure to register is a class D felony punishable by imprisonment for up to five years, a fine of up to \$5,000, or both.

The bill prohibits law enforcement officers from using weaponized drones except that they may use drones equipped with explosive detection, detonation, or disposal equipment when authorized by the state or federal government and engaged in detecting, detonating, or disposing of explosives. This provision applies to (1) special police officers appointed by the Department of Emergency Services and Public Protection (DESPP) for state property and (2) officers, employees, or agents of the State Police, municipal police departments, and special campus police forces.

BACKGROUND

Deadly Weapon and Deadly Weapon Offender Registry

By law, DESPP maintains a registry of people convicted, or found not guilty by reason of mental disease or defect, of an offense committed with a deadly weapon (i.e., a loaded or unloaded weapon from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles).

A person must register if he or she violated (1) specified statutes or (2) committed any felony and the court finds that, at the time of the offense, the offender used a deadly weapon or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed, a deadly weapon. Offenders must register for five years. The registry information is not a public record and is disclosable only to certain law enforcement and other agencies.

Related Bill

sHB 5274 (File 337), contains the same provisions as this bill and also (1) makes it a class B felony to use a drone to pass firearms or explosives to inmates of a correctional or humane institution; (2) allows state agency officers, employees, and agents to use drones in the course of their employment and requires agencies to report on their use annually to the Office of Policy and Management; and (3) specifies

that, for purposes of voyeurism crimes, a victim is “not in plain view” when the view is not otherwise obtainable and is made possible by using a (a) drone or (b) technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/07/2016)

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/30/2016)