

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 128  
Committee Substitute Favorable 3/7/17

Short Title: Prohibit Drone Use Over Prison/Jail.

(Public)

Sponsors:

Referred to:

February 20, 2017

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF AN UNMANNED AIRCRAFT SYSTEM NEAR A LOCAL CONFINEMENT FACILITY OR STATE OR FEDERAL CORRECTIONAL FACILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 16B of Chapter 15A of the General Statutes is amended by adding a new section to read:

**"§ 15A-300.3. Use of an unmanned aircraft system near a confinement or correctional facility prohibited.**

(a) Prohibition. – Except for a law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c), no person, entity, or State agency shall use an unmanned aircraft system within a horizontal distance of 500 feet or a vertical distance of 250 feet from any local confinement facility or State or federal correctional facility unless (i) written consent is obtained from the official in responsible charge of the facility and (ii) use of the unmanned aircraft system is not otherwise prohibited under State or federal law.

(b) Penalty. – The following penalties apply for violations of subsection (a) of this section:

(1) A person who uses an unmanned aircraft system in violation of subsection (a) of this section for the purpose of delivering a weapon to a local confinement facility or State or federal correctional facility is guilty of a Class H felony, which shall include a fine of one thousand five hundred dollars (\$1,500). For purposes of this subdivision, the term "weapon" is as defined in G.S. 14-401.24.

(2) A person who uses an unmanned aircraft system in violation of subsection (a) of this section for the purpose of delivering contraband to a local confinement facility or State or federal correctional facility is guilty of a Class I felony, which shall include a fine of one thousand dollars (\$1,000). For purposes of this subdivision, the term "contraband" includes controlled substances, as defined in G.S. 90-87, cigarettes, alcohol, and communication devices, but does not include weapons.

(3) A person who uses an unmanned aircraft system in violation of subsection (a) of this section for any other purpose is guilty of a Class 1 misdemeanor, which shall include a fine of five hundred dollars (\$500.00).

(c) Forfeiture and Disposition of Seized Property. – An unmanned aircraft system used in violation of this section and seized by a law enforcement agency is subject to forfeiture and disposition as prescribed by G.S. 18B-504. An innocent owner or holder of a security interest applying to the court for release of the unmanned aircraft system, in accordance with G.S. 18B-504(h), shall also provide proof of ownership or security interest and written



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1 certification that the unmanned aircraft system will not be returned to the person who was charged  
2 with the violation of subsection (a) of this section. Any property, weapons, or contraband seized  
3 by a law enforcement agency in connection with a violation of this section is subject to forfeiture  
4 and disposition as prescribed by either G.S. 18B-504, 14-269.1, 90-112, or any combination  
5 thereof by order of the court."

6 **SECTION 2.** This act becomes effective December 1, 2017, and applies to offenses  
7 committed on or after that date.