



State Senator
Rick Gudex

District 18

January 28, 2016

To: The Assembly Committee on Criminal Justice and Public Safety
From: Sen. Rick Gudex
Re: Assembly Bills 671 & 670

Mr. Chairman, members of the committee, thank you for hearing our bills today and for allowing me to speak on their behalf.

As many of you may know, drones are becoming one of the most popular devices for people to own. While they have entertainment value, they also have the capacity to be used to commit evil crimes that affect the safety and security within our communities and critical infrastructures.

Assembly Bill (AB) 670 will make it clear that the use of drones around prisons is prohibited, and it is coupled with granting local authorities the ability to establish no-fly zones tailored to their needs. This bill **does not require** local authorities to establish “no-drone-zones”, and the intent is to address the growing public safety concern stemming from drones.

Why is this bill necessary? AB 670 was brought forward at the request of our Correctional Officers as a security enhancement tool. What happened at the correctional facility in Mansfield, OH, which was referenced in the co-sponsorship memo, is a very possible scenario our Correctional Officers (CO's) can be faced with without the proper legal deterrents in place. We cannot allow our CO's to remain vulnerable. With that said, we also made sure to respect personal property owners' rights in accordance with FAA rules. Additionally, we have provided an exemption for the authorized use of drones (i.e. contractors and surveyors) when express permission is granted by property owners.

AB 671 is a compliment to AB 670 because it enhances our criminal penalty standards across the misdemeanor and felony spectrums for illegal drone usage, and increases the previous Class A misdemeanor penalties to felonious. This penalty enhancement will serve multiple purposes. First, the enhancement will serve to deter other would-be criminals from committing the same crime. Second, giving longer punishments helps to keep the criminals incarcerated and therefore, away from the public. I believe that drones can provide the vehicle for a new level of drug activity in our communities, and we need to respond by providing our prosecutors with an enhanced criminal code to enforce. I would like to add that AB 671 is not an excessive penalty enhancement since §939.645 was referenced, which has a history of justifiable use.

Thank you.



MICHAEL SCHRAA

P.O. Box 8953
Madison, WI 53708

STATE REPRESENTATIVE • 53RD ASSEMBLY DISTRICT

Office: (608) 267-7990
Toll-Free: (608) 534-0053
Rep.Schraa@legis.wi.gov

Testimony on AB 670

Thank you Chairman Kleefisch, Vice Chair Kremer, and members of the committee for giving me the opportunity to provide testimony on this legislation dealing with the use of drones.

The goal of AB670 is quite simple. It is extremely important that we have a statewide standard that drones may not be used over correctional institutions in our state. Senator Gudex and I introduced this legislation at the request of correctional officers who work at the many prisons in our districts. With the increase in use of drones by businesses, hobbyists, and even criminals, it is important to establish “No Drone Zones” over our state Department of Corrections facilities. As recently as this last Christmas, a drone was accidentally flown onto the grounds of Waupun Correctional Institute. The drone owner who is a City of Waupun resident who received the drone as a Christmas present, lost control of his UAV. We have also seen in other states that it is possible for criminals to try and deliver drugs, weapons, and other items into prisons with the use of drones. For example, last October, a drone carrying drugs, blades, and other contraband crashed inside the perimeter of an Oklahoma State Penitentiary. By establishing in state statute that it is unlawful to fly a drone over state corrections facilities, we will help our correctional officers more safely and effectively do their important jobs.

AB670 prohibits the operation of a drone over a state correctional institution and establishes a possible fine of up to \$5,000 for any violation. Additionally, the bill outlines in statute that a city, village, town, or county can prohibit the use of drones over certain areas in their jurisdiction. Giving local units of government the flexibility to enact additional regulations allows them to decide what is best for their communities. Examples of additional local restrictions would be banning drones over facilities like water treatment plants, power-grid facilities or other critical infrastructure. I think we can all agree that the use of this relatively new technology will continue to grow exponentially. In the future, any local ordinances would need to conform to federal regulations imposed by the FAA. We have already seen that the FAA is in the process of releasing new rules related to drone usage. They have recently stated that with the large projected increase in the number of privately owned drones, a potential safety risk is immediately imminent with regards to our nation’s air traffic control system. AB670 is common sense legislation that is vitally needed at this time and we are hopeful to have your support.

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number **15-3910/2** Introduction Number **AB-0670**

Description

Operation of drones over state correctional institutions, the authority of political subdivisions to designate areas over which the operation of drones is limited, and providing a penalty

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEGS

Affected Ch. 20 Appropriations

Agency/Prepared By

DOT/ Andrew Augustin (608) 264-9526

Authorized Signature

Nate Yahn (608) 266-1114

Date

1/26/2016

Fiscal Estimate Narratives

DOT 1/26/2016

LRB Number	15-3910/2	Introduction Number	AB-0670	Estimate Type	Original
Description Operation of drones over state correctional institutions, the authority of political subdivisions to designate areas over which the operation of drones is limited, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, the operation of drones over a state correctional institution would be prohibited. Any person who violates this prohibition may be required to forfeit not more than \$5,000. The bill requires a law enforcement officer, who is investigating an alleged violation of this prohibition, to seize and transfer to the Department of Corrections any visual representation or data, representing a visual image, that was created or recorded by a drone during the alleged violation.

This bill also authorizes a city, village, town, or county (political subdivision) to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited, in addition to imposing limitations on the operation of drones over that area. This local ordinance would not apply to the operation of a drone by the state, an agency of the state, or a public safety agency, in addition to not applying to the operation of a drone with the consent of the owner of the property over which the drone is operated. Under the bill, a political subdivision may provide a forfeiture of not more than \$2,500 for each violation of a drone operation ordinance.

There is no anticipated fiscal impact on DOT from this bill. Some additional contacts to DOT's Bureau of Aeronautics, relating to drone operation ordinances, may be generated as a result of this bill. However, any associated costs would be negligible.

For local governments, if a political subdivision decides to enact an ordinance related to drone operation, as permitted under the bill, any costs associated with the creation of that ordinance would be incurred by the local unit of government. Due to certain unknown factors, the exact impact of this bill on local governments cannot be determined at this time. However, any associated costs are expected to be minimal.

Long-Range Fiscal Implications

Minimal increase in costs for local governments establishing drone operation ordinances.