

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 125 Session of 2017

INTRODUCED BY BOSCOLA, ARGALL, COSTA, TARTAGLIONE, BARTOLOTTA, LANGERHOLC AND RAFFERTY, JANUARY 20, 2017

REFERRED TO JUDICIARY, JANUARY 20, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in obstructing governmental
 3 operations, providing for the offense of unlawful drone
 4 activity over correctional institutions.

5 The General Assembly of the Commonwealth of Pennsylvania
 6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 5113. Unlawful drone activity over correctional institutions.

10 (a) Contraband.--No person may operate a drone over a
 11 correctional institution with the intent to deliver, provide,
 12 transmit or furnish any item of contraband that violates section
 13 5123 (relating to contraband) or 61 Pa.C.S. § 5902 (relating to
 14 contraband prohibited).

15 (b) Recordings and photographs.--

16 (1) No person may operate a drone over a correctional
 17 institution with the intent to record or photograph the
 18 correctional institution or any operation of the correctional
 19 institution, activity at or person located on the premises or

1 grounds of the correctional institution.

2 (2) A person who knowingly possesses a recording or
3 photograph produced as a result of a violation of this
4 section commits an offense.

5 (c) Grading.--The following shall apply:

6 (1) An offense under subsection (a) shall be graded as a
7 felony of the second degree.

8 (2) An offense under subsection (b) shall be graded as a
9 felony of the third degree.

10 (d) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Correctional institution." As defined in 61 Pa.C.S. § 102
14 (relating to definitions).

15 "Drone." An unmanned powered aircraft that does not carry a
16 human operator, is capable of being autonomous or remotely
17 piloted or operated and may be expendable or recoverable. The
18 definition does not include the following:

19 (1) A satellite orbiting the earth.

20 (2) An unmanned powered aircraft used by the Federal
21 Government or a person who is acting pursuant to a contract
22 with the Federal Government to conduct surveillance of
23 specific activities.

24 (3) An unmanned powered aircraft used by the State
25 government or a person who is acting pursuant to a contract
26 with the State government to conduct surveillance of specific
27 activities.

28 (4) An unmanned powered aircraft used by a local
29 government, law enforcement agency or fire department.

30 Section 2. This act shall take effect in 60 days.