

SENATE FILE NO. SF0032

Prohibiting drones over penal institutions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; prohibiting the use
 2 of unmanned aircraft systems as specified; authorizing the
 3 department of corrections to take reasonable actions
 4 against unmanned aircraft systems trespassing over or in
 5 penal institutions; providing definitions; providing
 6 penalties; providing exceptions; requiring rulemaking; and
 7 providing for effective dates.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 6-5-214 is created to read:

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13 **6-5-214. Unmanned aircraft systems and correctional**
 14 **institutions; definitions; penalties.**

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16 (a) As used in this section:

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2 (i) "Contraband" means as defined in W.S.
3 6-5-213(c)(i);

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5 (ii) "Penal institution or correctional
6 facility" means as defined in W.S. 6-5-213(c)(ii);

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8 (iii) "Unmanned aircraft system":

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10 (A) Means an unmanned, powered aircraft
11 that:

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13 (I) Does not carry a human operator;

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15 (II) Can be autonomous or remotely
16 piloted or operated; and

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18 (III) Can be expendable or
19 recoverable.

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21 (B) Does not include:

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23 (I) A satellite orbiting the earth;

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(II) An unmanned aircraft system used by the United States Government or a person who is acting pursuant to a contract with the United States Government;

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(III) An unmanned aircraft system used by the state for purposes of state business;

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(IV) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous materials response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose.

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(b) Except as authorized by a person in charge of the penal institution or correctional facility, no person shall intentionally:

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(i) Photograph, surveil, broadcast or otherwise record a penal institution or correctional facility through the use of an unmanned aircraft system;

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2 (ii) Convey or attempt to convey contraband to a
3 person confined in a penal institution or correctional
4 facility through the use of an unmanned aircraft system; or

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6 (iii) Deliver or attempt to deliver a deadly
7 weapon into a penal institution or correctional facility
8 through the use of an unmanned aircraft system.

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10 (c) Any person who violates paragraphs (b)(i) or (ii)
11 of this section is guilty of misdemeanor punishable by
12 imprisonment for not more than one (1) year, a fine of not
13 more than two thousand dollars (\$2,000.00), or both. Any
14 person who violates paragraph (b)(iii) of this section is
15 guilty of a felony punishable by imprisonment for not more
16 than ten (10) years, a fine of not more than ten thousand
17 dollars (\$10,000.00), or both.

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19 (d) A person who uses an unmanned aircraft system
20 under one (1) or more of the exclusions specified in
21 subdivisions (a)(iii)(B)(II) through (IV) of this section
22 shall provide reasonable notice of the intended use of the
23 unmanned aircraft system at the penal institution or

1 correctional facility to the person in charge of the
2 institution or facility.

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4 (e) The person in charge of a penal institution or
5 correctional facility may take or authorize the use of
6 reasonable actions to prevent or stop the use of unmanned
7 aircraft systems operating in violation of this section
8 consistent with rules and regulations promulgated by the
9 department of corrections pursuant to W.S. 25-1-105(h).

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11 **Section 2.** W.S. 25-1-105 by creating a new subsection
12 (h) is amended to read:

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14 **25-1-105. Powers of department; care of persons**
15 **committed outside of state.**

16

17 (h) The department of corrections shall promulgate
18 rules specifying reasonable actions a person in charge of a
19 penal institution or correctional facility may take to stop
20 or prevent a violation of W.S. 6-5-214(b).

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22 **Section 3.** The department of corrections shall
23 promulgate any rules necessary to implement this act.

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2 **Section 4.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

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7

(END)