

**HB 3047 B STAFF MEASURE SUMMARY****Carrier:** Sen. Prozanski**Senate Committee On Judiciary****Action Date:** 06/01/17**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Dembrow, Linthicum, Prozanski, Thatcher**Nays:** 1 - Manning Jr**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Whitney Perez, Counsel**WHAT THE MEASURE DOES:**

Elevates penalty for use of weaponized unmanned aircraft system (UAS) to Class C felony, if intentionally, knowingly or recklessly operate UAS to fire bullet or projectiles or cause UAS to function as dangerous weapon. Elevates penalty to Class B felony if use results in serious physical injury to another person. Provides exemption to weaponized UAS crime when person has Federal Aviation Administration (FAA) authorization; gives notice to Department of Aviation, Oregon State Police, and any other agency that issues a permit or license for the activity; and provides reasonable notice to public if use is in public area. Exemption limited to non-recreational use of nonlethal projectiles for purposes other than to injure or kill persons or animals. Requires operator to carry \$1 million in liability insurance. Agency notification requirement does not apply to certain educational institutions. Prohibits use of UAS capable of firing bullet or projectile for crowd management. Creates offense for operating UAS over privately owned premises in manner to intentionally, knowingly or recklessly harass or annoy owner or occupant of premises. Allows UAS use by law enforcement agencies to acquire accident scene information. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Offenses of criminal mischief, harassment and invasion of personal privacy would not prohibit the use of UAS to harass or annoy without physical contact
- Concern over use of UAS capable of ejecting projectiles
- Intentional, knowing, or reckless conduct required to harass or annoy private property owner or occupant
- Non-recreational uses for UAS

**EFFECT OF AMENDMENT:**

Creates Class C felony for operating a UAS to fire a bullet or projectile or otherwise operate it as a dangerous weapon. Creates Class B felony if UAS fires bullet or projectile or operates as a dangerous weapon and this results in serious physical injury. Limits exceptions for this offense to using nonlethal projectiles for purposes other than to injure or kill people or animals. Adds requirement that exception applies to non-recreational purposes. Adds requirement that person operating a UAS within this exception carry \$1 million liability insurance. Removes notice exception for high schools. Creates offense for intentionally, knowingly or recklessly operating a drone over private property to harass or annoy the property's owner or occupant.

**BACKGROUND:**

In 2013, the Oregon Legislative Assembly enacted House Bill 2710, which provides guidance and restrictions on the use of “drones” within Oregon. Drones, or UAS, are unmanned aircraft machines and may be as large as a small

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aircraft or the size of a small bird. The initial legislation restricted law enforcement use of UAS to situations in which law enforcement has a warrant or consent, or for search and rescue and emergency situations. It also created a civil right of action for individuals who do not want UAS operated over their property. House Bill 2354 in 2015 modified the private right of action and changed the term “drone” to “unmanned aircraft system” to be consistent with federal law. House Bill 4066 in the 2016 session prohibited weaponizing UAS, making it a Class A misdemeanor to intentionally, knowingly, or recklessly use a UAS capable of firing a bullet or projectile or use a UAS in a way that functions as a dangerous weapon.

House Bill 3047-B elevates the current offense of weaponizing a UAS to a Class C felony when the UAS is used to fire a bullet or projectile or the person uses the UAS as a dangerous weapon. The maximum possible sentence for a Class C felony is five years in prison and a \$125,000 fine. It is further raised to a Class B felony if this use results in serious physical injury to another person. The maximum possible sentence for a Class B felony is ten years in prison and a \$250,000 fine. HB 3047-B exempts from the crime of weaponizing a UAS those who use nonlethal projectiles on the UAS for purposes other than to injure or kill people or animals; notify the Oregon State Police, Department of Aviation and any other agency that issues a permit or license for the activity at least five days before using the UAS; provide reasonable notice to the public if using the UAS in a public area; carry \$1 million in liability insurance to cover any injury from using the UAS; and operate the UAS for non-recreational purposes under specific FAA authorization. HB 3047-B provides an exemption from the agency notice requirements for certain educational institutions. It prohibits use of UAS capable of releasing projectiles for crowd management.

HB 3047-B creates an offense for operating a UAS over privately owned premises in a manner to intentionally, knowingly or recklessly harass or annoy the property's owner or occupant. This does not apply to lawful UAS use by law enforcement. A first offense is a Class B violation, a second offense is a Class A violation and subsequent offenses are Class B misdemeanors. A judge can prohibit an offender from possessing a UAS while on probation.

HB 3047-B also allows law enforcement agencies to use a UAS to acquire accident scene information.