

SB 581 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 04/01/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

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Meeting Dates: 2/11, 4/1

WHAT THE MEASURE DOES:

Specifies that any conviction for knowingly or intentionally causing an unmanned aircraft system (UAS) to direct a laser at an aircraft while the aircraft is in the air, crash into an aircraft while the aircraft is in the air, or prevent the takeoff or landing of an aircraft is a Class A misdemeanor. Elevates a second or subsequent conviction for recklessly controlling an unmanned aircraft system in such a manner from a Class A violation to a Class A misdemeanor. Directs the court to declare the UAS used in an offense to be contraband and order the UAS to be forfeited upon a person's second or subsequent conviction. Requires an education institution to register as a user of UAS with the Oregon Department of Aviation prior to operating an UAS in the airspace over this state. Specifies Department of Aviation may not require registration of individual UAS by registered educational institute.

ISSUES DISCUSSED:

- Concerns with mandatory minimum sentences
- Difficulty of identifying who is flying the UAS in order to prosecute
- Mental state requirements for increasing penalty

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

In 2016, the Legislative Assembly created a Class A violation for the reckless operation of an unmanned aircraft, which includes using an unmanned aircraft to recklessly direct a laser at an aircraft while the aircraft is in the air, crash into an aircraft while the aircraft is in the air, or prevent the takeoff or landing of an aircraft. ORS 837.374.

Senate Bill 581 A establishes a Class A misdemeanor for knowingly or intentionally causing an unmanned aircraft system to direct a laser at an aircraft while the aircraft is in the air, crash into an aircraft while the aircraft is in the air, or prevent the takeoff or landing of an aircraft. SB 581 A establishes that a second or subsequent conviction for recklessly controlling an UAS in such a manner is a Class A misdemeanor and directs the court to declare the UAS used in an offense to be contraband and order the UAS to be forfeited upon a person's second or subsequent conviction. Finally, the measure directs an educational institution to register as a user of UAS with the Oregon Department of Aviation prior to operation of an UAS in the airspace over this state and specifies that individual UAS are not required to be registered.