

Legislative Analysis



AMEND UNMANNED AIRCRAFT SYSTEMS ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 5494 and 5496 as introduced
Sponsor: Rep. Michele Hoytenga

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5495 as introduced
Sponsor: Rep. Roger Hauck

House Bill 5497 as introduced
Sponsor: Rep. Tom Barrett

House Bill 5498 as introduced
Sponsor: Rep. James A. Lower

Committee: Communications and Technology
Complete to 2-12-18

BRIEF SUMMARY:

House Bills 5494, 5496, and 5497 would amend the Unmanned Aircraft Systems Act (Public Act 436 of 2016) to specify that an unmanned aircraft system is an extension of the individual operating it, to designate duties of the Michigan Aeronautics Commission, and to expand the prohibition on knowingly and intentionally operating an unmanned aircraft system that interferes with the official duties of certain public employees.

House Bill 5495 would amend the Michigan Penal Code to include penalties for knowingly operating an unmanned aircraft system that interferes with the operations of a key facility, while House Bill 5498 would codify those penalties in the Code of Criminal Procedure.

DETAILED SUMMARY:

The Unmanned Aircraft Systems Act was enacted in 2016 to provide a regulatory framework for the use of unmanned aircraft (“drones”) in the state. Among other things, the Act created the Unmanned Aircraft Systems Task Force to develop statewide policy recommendations on the operation, use, and regulation of unmanned aircraft systems. The Task Force submitted its final report to the governor and legislature on November 20, 2017.¹ House Bills 5494 through 5498 would implement many of the Task Force’s recommendations.

House Bill 5494 would add Section 20 to the Act to specify that, for purposes of the penal law of this state, an unmanned aircraft system is an extension of the individual operating it. Additionally, in a criminal prosecution, the defense could not be used that the person used an unmanned aircraft system to carry out the violation.

Proposed MCL 259.320

¹ Available at http://www.michigan.gov/documents/aero/UASTF_Final_Report_v2_Full_606520_7.pdf

House Bill 5496 would add Section 30 to designate duties for the Michigan Aeronautics Commission within the Act. The Commission is established in the Aeronautics Code (MCL 259.26), but would have the following additional duties under the Unmanned Aircraft Systems Act:

- Provide advice to other departments and agencies of this state about the use of unmanned aircraft systems and related technology.
- Provide advice to the public about all of the following:
 - Regulation of unmanned aircraft systems by the federal government and by this state.
 - Safe operating principles for unmanned aircraft systems.
 - Restrictions on the use of unmanned aircraft systems.
 - Any other matters within the scope of the Commission's authority under the Act.
- Provide education and information to departments and agencies of this state, political subdivisions, and the general public about unmanned aircraft systems.
- Receive and consider comments from persons in this state that are interested in or affected by the use of unmanned aircraft systems.

In addition to the Michigan Department of Transportation, the following state departments would also provide support to the Commission as necessary and as requested for the Commission to perform its duties:

- Michigan State Police.
- Department of Natural Resources.
- Department of Corrections.
- Department of Agriculture and Rural Development.
- Department of Licensing and Regulatory Affairs.

HB 5496 also would amend Section 3 to add definitions for *commission* and *department* for purposes of the Act. **Commission** would mean the Michigan Aeronautics Commission, described above, while **department**, unless otherwise expressly stated, would refer to the Michigan Department of Transportation.

MCL 259.303 and proposed 259.330

House Bill 5497 would amend Section 21 of the Act to expand the prohibition on interfering with the official duties of certain public employees. Currently, the section prohibits an individual from *knowingly and intentionally* operating an unmanned aircraft system in a manner that interferes with the official duties of a police officer, firefighter, or paramedic or of search and rescue personnel.

The bill would add two public employees to the above list and prohibit interference with a **state correctional officer** and **local corrections officer**. The bill would use definitions from the Correctional Officers' Training Act for both terms (MCL 791.502 and 791.532, respectively).

Finally, the bill would replace the term “police officer” with “*law enforcement officer*” and use the definition found in the Code of Criminal Procedure (MCL 763.7). “Paramedic” also would be replaced with “*emergency medical services personnel*,” which is defined in the Public Health Code (MCL 333.20904).

MCL 259.321

House Bills 5495 and 5498

House Bill 5495 would add a section to the Michigan Penal Code to prohibit an individual from knowingly operating an unmanned aircraft system that interferes with the operations of a key facility. A violation would result in a felony punishable by up to 4 years’ imprisonment, up to a \$2,500 fine, or both.

The bill would define *key facility* as that term is defined in the Michigan Penal Code (MCL 750.552c) and would use the definition for *unmanned aircraft* found in the Unmanned Aircraft Systems Act (MCL 259.303).

Proposed MCL 750.45a

House Bill 5498 would codify the above penalties within the Code of Criminal Procedure and label the offense as a Class F crime against public safety. This bill is also tie-barred to HB 5495, which means it cannot take effect unless HB 5495 is also enacted.

MCL 777.16b

FISCAL IMPACT:

House Bill 5494 would have no fiscal impact on the state or on local units of government.

House Bill 5495 would have an indeterminate fiscal impact on the state’s correctional system and on local court systems. The number of persons that might be convicted under provisions of the bill is not known. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5496 would establish new duties for the Michigan Aeronautics Commission with respect to unmanned aircraft systems. As described in detail above, those duties primarily involve advising, educating, and informing state departments and agencies, as well as other political subdivisions and the general public. The Office of Aeronautics within the Michigan Department of Transportation currently provides staff support for the

Michigan Aeronautics Commission and functionally carries out the executive duties of the Michigan Aeronautics Commission. House Bill 5496 would effectively increase the workload of the Office of Aeronautics; however, representatives of the department indicate that the additional workload would be nominal and could be accomplished with existing resources.

House Bill 5497 would have no fiscal impact on the state or on local units of government.

House Bill 5498 amends sentencing guidelines and would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.