

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1346

PRINTER NO. 2167

AMOUNT

See Fiscal Impact

FUND

General Fund
Judicial Computer System Augmentation Account

DATE INTRODUCED

May 8, 2017

PRIME SPONSOR

Representative Pyle

DESCRIPTION

House Bill 1346 amends Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to provide for the offense of unlawful use of unmanned aircraft.

The bill amends Title 18 by adding a § 3505 (relating to unlawful use of unmanned aircraft). A person commits the offense of unlawful use of unmanned aircraft if the person uses an unmanned aircraft intentionally or knowingly to do any of the following:

- Conduct surveillance of another person in a private place;
- Operate the aircraft in a manner which places another person in reasonable fear of bodily injury; or
- Deliver, provide, transmit or furnish contraband to an inmate in a prison.

The offense is graded as a summary offense punishable by a fine of up to \$300, except if the conduct involves delivery of contraband to a prison, the occurrence of which becomes a felony of the second degree punishable by a fine of up to \$25,000 and imprisonment for a term of not more than ten (10) years.

House Bill 1346 exempts law enforcement officers and corrections personnel while engaged in the performance of their official duties.

The legislation also allows for the following exceptions when the conduct involves surveillance or operation in a manner that places another in fear of bodily injury:

- Firefighters and emergency medical responders while engaged in the performance of their official duties;
- An employee or agent of an electric, water, natural gas or other utility while engaged in the performance of their official duties; and
- An employee or agent of a government agency while engaged in the performance of their official duties.

House Bill 1346 exempts aerial data collection when the operator complies with Federal Aviation Administration regulations and does not knowingly or intentionally conduct surveillance of another person in a private place.

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The legislation defines the following terms:

- "Private place" as a place where a person has a reasonable expectation of privacy;
- "Surveillance" as using or causing to be used an unmanned aircraft to observe, record or invade the privacy of another; and
- "Unmanned aircraft" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

The legislation preempts local regulation of unmanned aircraft.

This act shall take effect in 90 days.

FISCAL IMPACT:

The chart below illustrates the maximum amounts of fine deposits and terms of imprisonment, dependent upon the grading of the offense and the number of convictions.

# of Convictions	Summary/Felony	Max. Fine Amt.	Total Fine Amts.	Max. Imprisonment
5	2 nd Degree Felony	\$25,000	\$125,000	10 Years
25	Summary	\$300	\$7,500	None
50	Summary	\$300	\$15,000	None
75	Summary	\$300	\$22,500	None
100	Summary	\$300	\$30,000	None

Assuming the five (5) felony convictions result in a maximum sentence of a term of imprisonment of ten (10) years, the Pennsylvania Department of Corrections would incur estimated costs of \$325,215¹.

¹ Based upon the Pennsylvania Department of Corrections per/inmate/day rate of \$17.82.