**South Carolina General Assembly**

122nd Session, 2017-2018

**A184, R200, S176**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Sheheen and Young

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Introduced in the Senate on January 10, 2017

Introduced in the House on February 14, 2017

Last Amended on May 9, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 17, 2018, Signed

Summary: Drones, unlawful operation at corrections and local detention facilities

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/13/2016 Senate Prefiled

 12/13/2016 Senate Referred to Committee on **Corrections and Penology**

 1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 94](file:///h%3A%5Csj%5C20170110.docx))

 1/10/2017 Senate Referred to Committee on **Corrections and Penology** ([Senate Journal‑page 94](file:///h%3A%5Csj%5C20170110.docx))

 1/19/2017 Senate Committee report: Favorable with amendment **Corrections and Penology** ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20170119.docx))

 1/23/2017 Scrivener's error corrected

 2/1/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Amended ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Read second time ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 29](file:///h%3A%5Csj%5C20170201.docx))

 2/2/2017 Scrivener's error corrected

 2/8/2017 Senate Amended ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20170208.docx))

 2/8/2017 Senate Read third time and sent to House ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20170208.docx))

 2/8/2017 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20170208.docx))

 2/14/2017 House Introduced and read first time ([House Journal‑page 49](file:///h%3A%5Chj%5C20170214.docx))

 2/14/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 49](file:///h%3A%5Chj%5C20170214.docx))

 5/3/2018 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 43](file:///h%3A%5Chj%5C20180503.docx))

 5/9/2018 House Amended ([House Journal‑page 69](file:///h%3A%5Chj%5C20180509.docx))

 5/9/2018 House Read second time ([House Journal‑page 69](file:///h%3A%5Chj%5C20180509.docx))

 5/9/2018 House Roll call Yeas‑97 Nays‑5 ([House Journal‑page 75](file:///h%3A%5Chj%5C20180509.docx))

 5/10/2018 House Read third time and returned to Senate with amendments ([House Journal‑page 14](file:///h%3A%5Chj%5C20180510.docx))

 5/10/2018 Scrivener's error corrected

 5/10/2018 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 42](file:///h%3A%5Csj%5C20180510.docx))

 5/10/2018 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 42](file:///h%3A%5Csj%5C20180510.docx))

 5/14/2018 Ratified R 200

 5/17/2018 Signed By Governor

 5/24/2018 Effective date 05/17/18

 5/31/2018 Act No. 184

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=176&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p%3A%5Cpprever%5C2017-18%5C176_20161213.docx)

[1/19/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170119.docx)

[1/23/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170123.docx)

[2/1/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170201.docx)

[2/2/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170202.docx)

[2/8/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170208.docx)

[2/9/2017](file:///p%3A%5Cpprever%5C2017-18%5C176_20170209.docx)

[5/3/2018](file:///p%3A%5Cpprever%5C2017-18%5C176_20180503.docx)

[5/9/2018](file:///p%3A%5Cpprever%5C2017-18%5C176_20180509.docx)

[5/10/2018](file:///p%3A%5Cpprever%5C2017-18%5C176_20180510.docx)

(A184, R200, S176)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑1‑300 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE NEAR A DEPARTMENT OF CORRECTIONS FACILITY BY CERTAIN PERSONS, TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION, AND TO PROVIDE FOR THE CONFISCATION AND RELEASE OF CERTAIN UNMANNED AERIAL VEHICLES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 24‑5‑175 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE NEAR A LOCAL DETENTION FACILITY BY CERTAIN PERSONS, TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION, AND TO PROVIDE FOR THE CONFISCATION AND RELEASE OF CERTAIN UNMANNED AERIAL VEHICLES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 24‑1‑310 SO AS TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS SHALL PETITION THE FEDERAL AVIATION ADMINISTRATION (FAA) TO DESIGNATE CERTAIN DETENTION AND CORRECTIONAL FACILITIES AS FIXED‑SITE FACILITIES AND THE STATE AERONAUTICS COMMISSION SHALL PUBLISH DESIGNATIONS BY THE FAA ON THE COMMISSION’S WEBSITE; AND BY ADDING SECTION 24‑1‑320 SO AS TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS AND LOCAL DETENTION FACILITIES SHALL PROVIDE THE STATE AERONAUTICS COMMISSION A LIST OF DESIGNATED SITES OR FACILITIES AND UNMANNED AERIAL VEHICLE BOUNDARIES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Unlawful operation of unmanned aerial vehicle**

SECTION 1. Chapter 1, Title 24 of the 1976 Code is amended by adding:

 “Section 24‑1‑300. (A) Except as provided in subsection (D), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any Department of Corrections facility without written consent from the Director of the Department of Corrections.

 (B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

 (C)(1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the Department of Corrections. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the Department of Corrections under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the State Law Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

 (2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the Department of Corrections with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The Department of Corrections shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the Department of Corrections may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.

 (D) The provisions of this section do not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and separately notifies the Director of the Department of Corrections or his designee no more than five days and no less two hours prior to each operation of the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.”

**Unlawful operation of unmanned aerial vehicle**

SECTION 2. Article 1, Chapter 5, Title 24 of the 1976 Code is amended by adding:

 “Section 24‑5‑175. (A) Except as provided in subsection (D), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any local detention facility without written consent from the jail administrator.

 (B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

 (C)(1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the jail administrator of a local detention facility. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the jail administrator under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the South Carolina Law Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

 (2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the jail administrator with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to the confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The jail administrator shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the local detention facility may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.

 (D) The provisions of this section do not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and separately notifies the jail administrator or his designee no more than five days and no less two hours prior to each operation of the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.”

**Fixed site facility designation**

SECTION 3. Chapter 1, Title 24 of the 1976 Code is amended by adding:

 “Section 24‑1‑310. The Department of Corrections shall petition the Federal Aviation Administration (FAA) to designate any local detention facility, or state or federal correctional facility in the State as a fixed‑site facility within ninety days of the effective date of this section, pursuant to rules and regulations adopted pursuant to Section 2209 of the FAA Extension, Safety, and Security Act of 2016, Public Law No. 114‑190. The department shall follow all guidance from the FAA in submitting and processing the petition. The South Carolina Aeronautics Commission shall publish designations by the FAA in accordance with this act on the commission’s website.”

**Unmanned aerial vehicle boundary**

SECTION 4. Chapter 1, Title 24 of the 1976 Code is amended by adding:

 “Section 24‑1‑320. To promote harmonization and air safety, the Department of Corrections and local detention facilities shall provide the South Carolina Aeronautics Commission a list of designated sites or facilities, and shall provide the commission with the unmanned aerial vehicle boundary in electronic format (ARGIS or AutoCAD) necessary to display the information within the Geographical Information Systems formats utilized by the commission within thirty days of the effective date of this section, and the commission shall publish the designated sites or facilities’ information on the commission’s website.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 17th day of May, 2018.

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