COMMITTEE REPORT

April 19, 2017

**S. 109**

Introduced by Senator McElveen

S. Printed 4/19/17--S. [SEC 4/20/17 10:57 AM]

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 109) to amend Article 7, Chapter 11, Title 16 of the 1976 code, relating to trespasses and the unlawful use of the property of others, by adding Section, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16-11-605. (A) A person shall not operate an unmanned aerial vehicle within the restricted airspace around a state or federal military installation in violation of the regulations established by the Federal Aviation Administration for the operation of unmanned aerial vehicles, without written consent from the commander of the specific military installation or his designee.

(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 for not more than thirty days, or both.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

KATRINA F. SHEALY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill establishes a misdemeanor offense for the operation of an unmanned aerial vehicle within a horizontal distance of 1,000 feet or a vertical distance of 500 feet from a state or federal military installation when the operator does not have written consent from the commander of the installation. Convicted offenders shall be fined not more than $500 or imprisoned for not more than 30 days.

**Judicial Department.**  This bill creates a new offense for the unlawful operation of an unmanned aerial vehicle within a certain distance of a state or federal military installation. Hearings and trials for such offenses will be heard in summary court. Therefore, any costs associated with increased caseloads at the summary court level will be borne by counties and municipalities.

**Department of Corrections.**  This bill requires convicted offenders who are required to serve prison sentences to an imprisonment time not to exceed thirty days. As the department only handles prisoners who are sentenced to serve more than 90 days of imprisonment, the bill will have no expenditure impact on the general fund.

**Commission on Indigent Defense.** The implementation of this bill will have no expenditure impact to the general fund, other funds, or federal funds, as the agency expects to manage any increase in caseloads within current resources.

**Commission on Prosecution Coordination.** The implementation of this bill will have no expenditure impact to the general fund, other funds, or federal funds, as the agency expects to manage any increase in caseloads within current resources.

**State Revenue**

This bill makes it a misdemeanor punishable by a fine of not more than $500 or imprisonment for not more than 30 days to operate an unmanned aerial vehicle within certain distances of a state or federal military installation without permission. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions in summary courts among the general fund, specified state agencies and programs, and local governments. Because data is not available to estimate the number of convictions that may result from this bill, the revenue impact on general fund and other fund revenue is undetermined.

**Local Expenditure**

This bill makes it a misdemeanor punishable by a fine of not more than $500 or imprisonment for not more than 30 days to operate an unmanned aerial vehicle within certain distances of a state or federal military installation without permission. The number of unmanned aerial vehicles that have been or would be operated as prohibited by this bill is unknown. Therefore, the bill’s effect on local law enforcement, proceedings in summary court, and local detention facilities cannot be estimated, making the bill’s expenditure impact on local government undetermined.

**Local Revenue**

This bill makes it a misdemeanor punishable by a fine of not more than $500 or imprisonment for not more than 30 days to operate an unmanned aerial vehicle within certain distances of a state or federal military installation without permission. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions in summary courts among the general fund, specified state agencies and programs, and local governments. Because data is not available to estimate the number of convictions that may result from this bill, the revenue impact on local government is undetermined.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A STATE OR FEDERAL MILITARY INSTALLATION AND TO PROVIDE PENALTIES FOR THE VIOLATION.

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

SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16-11-605. (A) A person shall not operate an unmanned aerial vehicle within a horizontal distance of one thousand feet or a vertical distance of five hundred feet from a state or federal military installation without written consent from the commander of the specific military installation.

(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 for not more than thirty days.”

SECTION 2. This act takes effect upon approval by the Governor.

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