Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 366
Bill #: SB 233
Bill Subject/Title: AN ACTrelating to the use of dones for unlawful purposes.
Sponsor: Senator Julian M. Carroll
Unit of Government: X City X County X Urban-County X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement, Local Courts, Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing
Part II: Purpose and Mechanics

SB 233 creates a new section of Chapter 525 regarding the unlawful use of drones.

SB 233 provides that a person is guilty of unlawful use of a drone when he or she uses a drone:

- To engage in harassing conduct (KRS 525.070) punishable as a violation.
- To commit voyeurism (KRS 531.090) punishable as a Class A misdemeanor.
- To commit video voyeurism (KRS 531.100) punishable as a Class A misdemeanor.
- In the commission of burglary or trespass (KRS Chapter 511) punishable as a Class A misdemeanor.
- In the commission of theft by unlawful taking or disposition (KRS 514.030) punishable as a Class A misdemeanor.

SB 233 clarifies that the above offenses shall not apply to the use of a drone by law enforcement officers during a lawful criminal investigation, or for any lawful commercial or personal use.

SB 233 creates a new section of Chapter 39G requiring the Kentucky Office of Homeland Security to promulgate administrative regulations for the control of drones on, over, and across state-owned property.

SB 233 expands KRS 466.010 to define a "drone" as any unmanned aircraft for which Federal Aviation Administration registration is required and that is required to be labeled with an N-number or other unique identifying number issued by the Federal Aviation Administration.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The immediate fiscal impact of SB 233 is expected to be minor, but as technology improves and the costs of owning a drone becomes more affordable, a rise in this activity may occur.

A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.92 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.92 per day.

Data Source(s): LRC Staff, Department of Corrections

Preparer: Wendell F. Butler Reviewer: JWN Date: 2/29/16