Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2017 Regular Session

Part I: Measure Information

Bill Request #: 420
Bill #: HB 291 HCS
Bill Subject/Title: AN ACT relating to public safety.
Sponsor: Representative Diane S. Onge
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted:
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies Existing X Adds New Eliminates Existing
Part II: Purpose and Mechanics

A summary of the provisions that relate to local governments within HB 291 HCS are outlined below.

Section 1:

Any business lawfully doing business within Kentucky may use a drone for business purposes, only if in compliance with 14 CFR Part 107*.

Allows for the recreational use of drone, only if in compliance with 14 CFR Part 101*.

A law enforcement agency when using a drone to first obtain a search warrant signed by a judge authorizing the limited use of a drone, and that the drone is used only to obtain evidence concerning a particular person or location named in the warrant; or when exigent circumstance exist.

Any government agency may use a drone for legitimate governmental purposes, subject to obtaining a warrant if necessary.

When a drone is used by a government agency, efforts must be made to minimize data collection on individuals, homes, and areas other than the target. The drone may not use facial recognition nor other biometric matching technology on a nontarget. Nontarget data is confidential and not subject to disclosure except by court order.

Only evidence collected as a result of a search warrant or evidence collected against the owner or operator of a drone to show misconduct will be admissible in a civil, criminal, or administrative proceeding.

No law enforcement agency shall be required to operate drones.

Any business or recreational owner not operating a drone in accordance to the Code of Federal Regulations shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses.

Section 2:

A person is guilty of an offense committed with the aid of a drone if the drone is under his or her control and the conduct would have given rise to criminal liability for the offense if performed directly by the person.

Section 3:

Defines "emergency responder" to be state or local law enforcement personnel, fire department personnel, corrections officers, and emergency medical personnel.

No person shall intentionally hinder an emergency responder from performing his or her duties.

Obstructing an emergency responder shall be a Class B misdemeanor for a first offense, and a Class A misdemeanor for subsequent offenses.

*Code of Federal Regulations

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

The initial fiscal impact of HB 291 HCS to local governments is expected to be minimal, but could increase over time as drone use becomes more prevalent, both for personal use and for business use.

There will be a learning curve with local law enforcement and minor cost to disseminate the new law to law enforcement and staff.

Pertaining to Sections 1 and 3 regarding the penalties:

Class B and Class A misdemeanors:

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months.

Misdemeanants are housed in one of Kentucky's 76 full service jails or five life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

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

Preparer: Wendell Butler **Reviewer:** KHC **Date:** 2/17/17