



SB-271 Unmanned aircraft systems. (2015-2016)

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ENROLLED SEPTEMBER 08, 2015

PASSED IN SENATE SEPTEMBER 04, 2015

PASSED IN ASSEMBLY SEPTEMBER 03, 2015

AMENDED IN ASSEMBLY SEPTEMBER 01, 2015

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JUNE 30, 2015

AMENDED IN SENATE APRIL 28, 2015

AMENDED IN SENATE APRIL 21, 2015

AMENDED IN SENATE APRIL 06, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

NO. 271

**Introduced by Senator Gaines
(Coauthor: Assembly Member Gatto)**

February 19, 2015

An act to add Section 626.12 to the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, Gaines. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, as specified, is guilty of a misdemeanor. Existing law also makes it a crime to possess a firearm

within 1,000 feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or to possess specified knives or blades on the grounds of those schools.

This bill would, unless authorized by federal law, make it an infraction to knowingly and intentionally operate an unmanned aircraft or unmanned aircraft system on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would also, unless authorized by federal law, make it an infraction to knowingly and intentionally use an unmanned aircraft or unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would define school hours for its purposes as during any school session, extracurricular activity, or event sponsored by or participated in by the school, and the one-hour periods immediately preceding and following any session, activity, or event. The bill would provide for a warning for a first violation and a fine of no more than \$200 for each subsequent violation. The bill would exempt from its provisions any publisher, editor, reporter, or other specified persons, unless the principal or the principal's designee has requested that the person cease the operation of the unmanned aircraft or unmanned aircraft system on the basis that the operation of the unmanned aircraft or unmanned aircraft system would be disruptive of, or interfere with, classes of the public school program. The bill would also exempt law enforcement from its provisions. The bill would exempt from its provisions any entity for which the Federal Aviation Administration has authorized the use of an unmanned aircraft or unmanned aircraft system if that unmanned aircraft or unmanned aircraft system is operated in accordance with the terms and conditions of that authorization. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 626.12 is added to the Penal Code, to read:

626.12. (a) Unless authorized by federal law, it shall be an infraction to knowingly and intentionally operate an unmanned aircraft or unmanned aircraft system on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.

(b) Unless authorized by federal law, it shall be an infraction to knowingly and intentionally use an unmanned aircraft or unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.

(c) A violation of this section shall be punished as follows:

(1) Upon a first conviction, a warning shall be given.

(2) Upon a second and any subsequent conviction under this section, a fine of no more than two hundred dollars (\$200).

(d) For the purposes of this section, the following definitions apply:

(1) "School hours" means during any school session, extracurricular activity, or event sponsored by or participated in by the school, and the one-hour periods immediately preceding and following any session, activity, or event.

(2) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(3) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including, but not limited to, communication links and the components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(e) This section does not apply to a publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, or other periodical publication engaged in gathering, receiving, or processing information for communication to the public, or by a radio or television station or network, or by a press association or wire service, or Internet Web site affiliated with or under common ownership of any of those entities, or any person who was so connected or employed at the time that person

operated the unmanned aircraft or unmanned aircraft system, unless a request that the person cease using an unmanned aircraft or unmanned aircraft system at a public school building or public school grounds is made by the principal, or the designee of the principal, on the basis that the continued presence of the unmanned aircraft or unmanned aircraft system used by the person would be disruptive of, or would interfere with, classes or other activities of the public school program.

(f) This section does not apply to the operation of an unmanned aircraft or unmanned aircraft system by law enforcement.

(g) This section does not apply to any entity for which the Federal Aviation Administration has authorized the use of the unmanned aircraft or unmanned aircraft system if the unmanned aircraft or unmanned aircraft system is operated in accordance with the terms and conditions of the authorization.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.