

HB345 ENROLLED



1 HB345
2 G4N32C2-2
3 By Representative Simpson
4 RFD: State Government
5 First Read: 21-Mar-24



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1 Enrolled, An Act,

2 Relating to the Department of Corrections, to add a new
3 Article 6 to Chapter 7 of Title 13A, Code of Alabama 1975; to
4 provide that it is unlawful for a person to operate an
5 unmanned aircraft system over a Department of Corrections
6 facility in certain circumstances; to provide for exceptions;
7 to provide it is unlawful for a person to introduce or attempt
8 to introduce contraband into a facility; to provide penalties
9 for violations; to provide that any unmanned aircraft system
10 and any property, weapons, and contraband attached to or
11 dropped from an unmanned aircraft system is subject to civil
12 forfeiture; and to provide for the procedure for forfeiture;
13 and in connection therewith would have as its purpose or
14 effect the requirement of a new or increased expenditure of
15 local funds within the meaning of Section 111.05 of the
16 Constitution of Alabama of 2022.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall be known and may be cited as
19 the Drone Regulation Over Alabama Prisons Act.

20 Section 2. Article 6, commencing with Section 13A-7-90,
21 is added to Chapter 7 of Title 13A, Code of Alabama 1975, to
22 read as follows:

23 Article 6

24 §13A-7-90

25 For the purposes of this article, the following terms
26 have the following meanings:

27 (1) FACILITY. Any of the following:

28 a. Any facility, as defined in Section 14-2-1,



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29 including existing facilities and facilities in the process of
30 being constructed;

31 b. Any real property owned or leased by the Alabama
32 Department of Corrections or its contractors to the outermost
33 conspicuous physical barrier of the real property; or

34 c. Any public roads within 100 yards from the outermost
35 conspicuous physical barrier of real property owned or leased
36 by the Alabama Department of Corrections or its contractors.

37 (2) OPERATE. Any of the following actions in relation
38 to an unmanned aircraft system:

39 a. Conducting flight operations;

40 b. Launching;

41 c. Landing or otherwise allowing an unmanned aircraft
42 system to make contact with any person or real or personal
43 property;

44 d. Flying;

45 e. Causing an unmanned aircraft system to drop any
46 payload; or

47 f. Causing an unmanned aircraft system to deploy or
48 discharge an attached weapon, firearm, explosive, destructive
49 device, or ammunition.

50 (3) PERSON. As defined in Section 13A-7-4.3.

51 (4) UNMANNED AIRCRAFT SYSTEM. As defined in Section
52 13A-7-4.3.

53 §13A-7-91

54 (a) Except as provided in subsection (b), a person may
55 not:

56 (1) Operate an unmanned aircraft system within a



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57 horizontal distance of 500 feet or a vertical distance of 200
58 feet from a facility; or

59 (2) Operate an unmanned aircraft system to conduct
60 surveillance of or photograph or otherwise record images of a
61 facility.

62 (b) Subsection (a) does not apply to the use of an
63 unmanned aircraft system by:

64 (1) The Alabama Department of Corrections;

65 (2) A person authorized by federal regulations to
66 operate an unmanned aircraft system and is operating the
67 system in a lawful manner and consistent with federal
68 regulations;

69 (3) The Armed Forces of the United States of America;

70 (4) The Alabama National Guard; or

71 (5) Any of the following with prior written permission
72 from the Commissioner of the Department of Corrections:

73 a. A contractor working on behalf of the Department of
74 Corrections;

75 b. Any state or federal law enforcement agency or
76 public safety agency responding to an emergency;

77 c. A person engaged in official emergency functions or
78 emergency management; or

79 d. Any state or federal public utility.

80 (c) A violation of this section is a Class C felony and
81 a person violating this section shall be fined no less than
82 two thousand five hundred dollars (\$2,500). The sentence shall
83 include a mandatory sentence, which is not subject to
84 suspension or probation, of imprisonment in the Department of



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85 Corrections or county jail for not less than 30 days.

86 §13A-7-92

87 (a) A person may not introduce or attempt to introduce
88 any contraband, as defined in Section 13A-10-30, into a
89 facility via operation of an unmanned aircraft system.

90 (b) A violation of this section is a Class C felony and
91 a person violating this section shall be fined no less than
92 two thousand five hundred dollars (\$2,500). The sentence shall
93 include a mandatory sentence, which is not subject to
94 suspension or probation, of imprisonment in the Department of
95 Corrections or county jail for not less than 30 days.

96 §13A-7-93

97 (a) A person may not introduce or attempt to introduce
98 any individual piece of an unmanned aircraft system into a
99 facility.

100 (b) A violation of this section is a Class C felony and
101 a person violating this section shall be fined no less than
102 two thousand five hundred dollars (\$2,500). The sentence shall
103 include a mandatory sentence, which is not subject to
104 suspension or probation, of imprisonment in the Department of
105 Corrections or a county jail for not less than 30 days.

106 §13A-7-94

107 (a) The Department of Corrections may confiscate an
108 unmanned aircraft system and any property, weapons, and
109 contraband attached to or dropped from an unmanned aircraft
110 system used in violation of this article.

111 (b) Any unmanned aircraft system and any property,
112 weapons, and contraband attached to or dropped from an



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113 unmanned aircraft system is subject to civil forfeiture. The
114 procedure for the seizure, forfeiture, condemnation, and
115 disposition shall be the same as set out in Section 20-2-93.

116 §13A-7-95

117 The Commissioner of the Department of Corrections shall
118 adopt regulations as necessary to implement this article.

119 Section 3. Although this bill would have as its purpose
120 or effect the requirement of a new or increased expenditure of
121 local funds, the bill is excluded from further requirements
122 and application under Section 111.05 of the Constitution of
123 Alabama of 2022, because the bill defines a new crime or
124 amends the definition of an existing crime.

125 Section 4. This act shall become effective June 1,
126 2024.

