

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Prohibiting drones over penal institutions.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to crimes and offenses; prohibiting the use
2 of unmanned aircraft systems as specified; authorizing the
3 department of corrections to take reasonable actions
4 against unmanned aircraft systems trespassing over or in
5 penal institutions; providing definitions; providing
6 penalties; providing exceptions; requiring rulemaking; and
7 providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 6-5-214 is created to read:

12

1 **6-5-214 Unmanned aircraft systems and correctional**
2 **institutions; definitions; penalties.**

3

4 (a) As used in this section:

5

6 (i) "Contraband" means as defined in W.S. 6-5-
7 213(c)(i);

8

9 (ii) "Penal institution or correctional facility"
10 means as defined in W.S. 6-5-213(c)(ii);

11

12 (iii) "Unmanned aircraft system":

13

14 (A) Means an unmanned, powered aircraft
15 that:

16

17 (I) Does not carry a human operator;

18

19 (II) Can be autonomous or remotely
20 piloted or operated; and

21

22 (III) Can be expendable or recoverable.

23

1 (B) Does not include:

2

3 (I) A satellite orbiting the earth;

4

5 (II) An unmanned aircraft system used
6 by the United States Government or a person who is acting
7 pursuant to contract with the United States Government;

8

9 (III) An unmanned aircraft system used
10 by the state for purposes of state business;

11

12 (IV) An unmanned aircraft system used
13 by a law enforcement agency, emergency medical service
14 agency, hazardous materials response team, disaster
15 management agency, or other emergency management agency for
16 the purpose of incident command, area reconnaissance,
17 personnel and equipment deployment monitoring, training, or
18 a related purpose.

19

20 (b) Except as authorized by a person in charge of the
21 penal institution or correctional facility, no person shall
22 intentionally:

23

1 (i) Photograph, surveil, broadcast or otherwise
2 record a penal institution or correctional facility through
3 the use of an unmanned aircraft system;

4
5 (ii) Convey or attempt to convey contraband to a
6 person confined in a penal institution or correctional
7 facility through the use of an unmanned aircraft system; or

8
9 (iii) Deliver or attempt to deliver a deadly
10 weapon into a penal institution or correctional facility
11 through the use of an unmanned aircraft system.

12
13 (c) Any person who violates paragraphs (b)(i) or (ii)
14 of this section is guilty of misdemeanor punishable by
15 imprisonment for not more than one (1) year, a fine of not
16 more than two thousand dollars (\$2,000.00), or both. Any
17 person who violates paragraph (b)(iii) of this section is
18 guilty of a felony punishable by imprisonment for not more
19 than ten (10) years, a fine of not more than ten thousand
20 dollars (\$10,000.00), or both.

21
22 (d) A person who uses an unmanned aircraft system
23 under one (1) or more of the exclusions specified in

1 subdivisions (a)(iii)(B)(II) through (IV) of this section
2 shall provide reasonable notice of the intended use of the
3 unmanned aircraft system at the penal institution or
4 correctional facility to the person in charge of the
5 institution or facility.

6

7 (e) The person in charge of a penal institution or
8 correctional facility may take or authorize the use of
9 reasonable actions to prevent or stop the use of unmanned
10 aircraft systems operating in violation of this section
11 consistent with rules and regulations promulgated by the
12 department of corrections pursuant to W.S. 25-1-105(h).

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15 *****
16 *****

17 **STAFF COMMENT**

18

19 **For the Committee's reference, W.S. 6-5-213 reads:**

20

21 **6-5-213. Taking contraband into penal institutions or**
22 **correctional facilities; definitions; penalties.**

23

24 (a) Except as authorized by a person in charge, no
25 person shall:

26

27 (i) Intentionally convey or attempt to convey
28 contraband to a person confined in a penal institution or
29 correctional facility; or

30

1 (ii) Intentionally make, obtain or possess
2 contraband if the person is officially confined in a penal
3 institution or correctional facility.

4
5 (b) Any person who violates any provision of
6 subsection (a) of this section is guilty of a misdemeanor
7 punishable by imprisonment for not more than one (1) year,
8 a fine of not more than two thousand dollars (\$2,000.00),
9 or both.

10
11 (c) As used in this section:

12
13 (i) "Contraband" means:

14
15 (A) Cellular telephone or other
16 unauthorized electronic communications device;

17
18 (B) Cigarette or other tobacco product;

19
20 (C) Money;

21
22 (D) Any tool or other item that may be used
23 to facilitate escape from the custody of the penal
24 institution or correctional facility; or

25
26 (E) Any other item that the person confined
27 in the official custody of a penal institution or
28 correctional facility is prohibited by law from making,
29 obtaining or possessing.

30
31 (ii) "Penal institution or correctional
32 facility" means a jail, a state penal institution or a
33 correctional facility operated by a private entity pursuant
34 to W.S. 7-22-102.

35 *****
36 *****
37

38 **Section 2.** W.S. 25-1-105 by creating a new subsection
39 (h) is amended to read:

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1 (b) Sections 3 and 4 of this act are effective
2 immediately upon completion of all acts necessary for a
3 bill to become law as provided by Article 4, Section 8 of
4 the Wyoming Constitution.

5

6

(END)