



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 855

**Assembly Substitute
Amendment 2**

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2017 ASSEMBLY BILL 855

Assembly Bill 855 prohibits certain drone operations not prohibited under current law, including interfering with emergency personnel, and using a drone to stalk, harass, or violate a restraining order. The bill also modifies current law relating to political subdivisions, including by prohibiting a political subdivision from regulating the ownership or operation of a drone, unless the ordinance relates to limiting the use of drones by the political subdivision. In addition, the bill repeals the requirement under current law that a court report to the federal government if a person is convicted of violating a local ordinance, among other provisions.

ASSEMBLY SUBSTITUTE AMENDMENT 2

In general, under current law, flight of or in an aircraft or spacecraft over state lands and waters is generally lawful, unless at such low altitudes as to interfere with the owner's existing use of the land or water, or if the flight is imminently dangerous to persons or property lawfully on the land or water beneath. [s. 114.04, Stats.] The substitute amendment provides flight of or in an aircraft or spacecraft over state lands and waters is generally lawful, unless at such low altitudes as to **intentionally** interfere with the owner's existing use of the land or water, or if the flight is imminently dangerous as described above.

The substitute amendment modifies current law relating to the ability of a political subdivision to regulate drone activity. Specifically, the substitute amendment:

- Defines the term "drone" to mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- Repeals a requirement under current law that a court report to the federal government if a person is convicted of violating a local ordinance.

- Prohibits a political subdivision from regulating the ownership or operation of a drone unless the ordinance relates to limiting the use of drones by the political subdivision.
- Removes a provision that is duplicative of current law relating to forfeitures for violating an ordinance enacted by a political subdivision.

Finally, the substitute amendment makes a cross-reference to the new definition of “drone” in another statutory section relating to law enforcement use of a drone.

BILL HISTORY

Assembly Bill 855 was introduced on January 19, 2018, by Representative Schraa and others. On February 13, 2018, Representative Schraa offered Assembly Substitute Amendment 2. On February 13, 2018, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of Assembly Substitute Amendment 2 and passage of Assembly Bill 855, as amended, on votes of Ayes, 7; Noes, 4.

JN:ksm