



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 498

Senate Substitute Amendment 1

Memo published: February 17, 2016

Contact: Michael Queensland, Staff Attorney (266-3810)

BACKGROUND

Under current law, a county, town, city, or village (political subdivision) may adopt any ordinance in strict conformity with the provisions of the statutory chapter related to aeronautics and astronautics, ch. 114, Stats. A political subdivision may impose the same penalty for violation of any of its provisions, except that such ordinance may not provide for the suspension or revocation of pilot or aircraft licenses or certificates and may not provide for imprisonment except for failure to pay any fine which may be imposed. In addition, no local authority may enact any ordinance governing aircraft or aeronautics or spacecraft or astronautics contrary to or inconsistent with the provisions of ch. 114, Stats., or federal law. Lastly, current law requires a court in which a violation of such political subdivision's ordinance is prosecuted make a written report of any conviction (including bail or appearance money forfeiture) to the Federal Aviation Administration (FAA).

2015 SENATE BILL 498

Prohibition of Drones Over Correctional Institutions

Senate Bill 498 (the bill) prohibits a person from operating a drone¹ over a state correctional institution, including any grounds of the institution. Under the bill, a "state correctional institution" means a state prison or a juvenile correctional facility operated by the Department of Corrections (DOC). A person who violates this prohibition may be required to forfeit not more than \$5,000. The bill requires that a law enforcement officer investigating an

¹ The bill defines a "drone" to mean "a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable."

alleged violation of this prohibition seize and transfer to DOC any photograph, motion picture, other visual representation, or data that represents a visual image that was created or recorded by a drone during an alleged violation.

Political Subdivision Ordinances Restricting Operation of Drones

Also, the bill authorizes a political subdivision to enact an ordinance designating an area within its jurisdiction as an area over which the operation of a drone is limited and imposing limitations on the operation of a drone over the designated area. The ordinance, however, may not apply to the operation of a drone by the state, an agency of the state, or a public safety agency² or the operation of a drone with the consent of the owner of the property over which the drone is operated. The bill authorizes a political subdivision to provide a forfeiture of not more than \$2,500 for each violation of such an ordinance.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 makes the following changes to the bill:

- Expands the prohibition on the operation of drones over a “state correctional institution” to apply to a “correctional institution.” A “correctional institution” means any state or local facility that incarcerates or detains any adult accused of, charged with, convicted of, or sentenced for any crime. This includes a state prison as well as a county jail, and a house of correction.
- Deletes the provisions in the bill that authorize a political subdivision to enact an ordinance limiting the operation of a drone within its jurisdiction, and imposes a penalty for a violation of the ordinance.

BILL HISTORY

On January 29, 2016, Senator Gudex introduced Senate Substitute Amendment 1. On February 4, 2016, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Substitute Amendment 1 by a vote of Ayes, 5; Noes, 0; and voted to recommend passage of the bill, as amended, by a vote of Ayes, 4; Noes, 1.

MQ:jal

² A “public safety agency” means a functional division of a public agency which provides fire fighting, law enforcement, medical or other emergency services.” [s. 256.35 (1) (g), Stats.]