

HOUSE BILL REPORT

HB 1381

As Reported by House Committee On:
Public Safety

Title: An act relating to addressing the use of unmanned aircraft to deliver contraband to certain facilities.

Brief Description: Addressing the use of unmanned aircraft to deliver contraband.

Sponsors: Representatives Pellicciotti, Irwin, Griffey, Orwall, Kilduff, Chapman and Appleton.

Brief History:

Committee Activity:

Public Safety: 2/5/19, 2/14/19 [DP].

Brief Summary of Bill

- Modifies Introducing Contraband offenses to include circumstances in which a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Kelly Leonard (786-7147).

Background:

Introducing Contraband. "Contraband" means any article or thing which a person confined in a detention facility or in a secure facility for sexually violent predators is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

A person is guilty of Introducing Contraband if he or she knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility. The degree of the offense depends on the nature of contraband, as follows:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Nature of Contraband	Degree and Level of Offense
Deadly weapon	First degree, class B felony and Level VII offense
Contraband intended to be of assistance in an escape or in the commission of a crime	Second degree, class C felony and Level III offense
All other contraband	Third degree, misdemeanor

When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific sentence range. Ranges are determined by reference to a sentencing grid, which is based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. The seriousness level of an offense is designated in statute, ranging from level I to level XVI. A higher seriousness level and offender score will result in a longer term of incarceration.

Attempt. A person is guilty of Attempt if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime. The classification of Attempt is one level lower than the classification of the underlying crime. For example, if someone was convicted of an attempt to commit Introducing Contraband in the first degree, then the classification would be a class C felony (rather than a class B felony). The range for Attempt is 75 percent of the range for the completed crime under the sentencing grid. If an attempt to commit an act were to be included in the underlying elements of a crime, a perpetrator would be prosecuted for the actual underlying crime rather than the crime of Attempt, in which case the full sentencing consequences would be triggered.

Unmanned Aircraft. An unmanned aircraft system is an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. An unmanned aircraft is a component of the system. Federal law defines an unmanned aircraft as an aircraft that is operated without the possibility of direct human intervention from within or upon it. Other names for unmanned aircraft systems include unmanned aircraft, remotely piloted aircraft, remotely operated aircraft, and drones.

The Federal Aviation Administration (FAA) authorizes the use of unmanned aircraft in the National Airspace System. Since 2016 the FAA has also adopted rules regulating the use of unmanned aircraft for nonhobby and nonrecreational purposes.

Summary of Bill:

"Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or upon it.

Introducing Contraband in the first, second, and third degrees are modified to include circumstances in which a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill seeks to address an issue that has arisen in other states—specifically, the delivery of contraband to prison and jail yards via drone. Many jails in Washington are not constructed to prevent aerial delivery of contraband. This bill will ensure that aerial delivery of contraband via drone will be treated the same as someone walking the same contraband into a facility. In addition, making attempted aerial delivery of contraband a felony will allow an officer to arrest someone immediately, without having to obtain warrant, if the officer has cause to believe this has occurred.

Years ago there was a proposal to ban the operation of drones around correctional facilities; however, this would be very difficult to enforce.

The Legislature should explore whether to add a section prohibiting the use of drones around correctional facilities. There was a circumstance in Washington in which a drone was flying suspiciously close to a facility, but the correctional staff were unable to make contact with the person.

(Opposed) None.

Persons Testifying: Representative Pellicciotti, prime sponsor; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.