
Public Safety Committee

HB 1381

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

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

Brief Summary of Bill

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

Hearing Date: 2/5/19

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:

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

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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 non-hobby and non-recreational 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 where a person knowingly uses an unmanned aircraft to deliver, or attempt to deliver, contraband.

Appropriation: None.

Fiscal Note: Requested on February 1, 2019.

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