

H.615

An act relating to prohibiting the use of drones near correctional facilities

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

* * *

(b) The Judicial Bureau shall have jurisdiction of the following matters:

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(28) Violations of 20 V.S.A. § 4625, relating to the use of drones near correctional facilities.

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Sec. 2. 20 V.S.A. § 4621 is amended to read:

§ 4621. DEFINITIONS

As used in this chapter:

(1) “Correctional facility” shall have the same meaning as in 28 V.S.A. § 3.

(2) “Drone” means a powered aerial vehicle that does not carry a human operator and is able to fly autonomously or to be piloted remotely.

~~(2)~~(3) “Law enforcement agency” means:

- (A) the Vermont State Police;
- (B) a municipal police department;
- (C) a sheriff’s department;

(D) the Office of the Attorney General;
(E) a State's Attorney's office;
(F) the Capitol Police Department;
(G) the Department of Liquor Control;
(H) the Department of Fish and Wildlife;
(I) the Department of Motor Vehicles;
(J) a State investigator; or
(K) a person or entity acting on behalf of an agency listed in this subdivision ~~(2)~~(3).

(4) "Public safety agency" shall have the same meaning as in section 1841 of this title.

Sec. 3. 20 V.S.A. § 4625 is added to read:

§ 4625. CORRECTIONAL FACILITIES; USE OF DRONES PROHIBITED;

CIVIL PENALTY

(a) A person shall not knowingly operate a drone over a correctional facility or surrounding property that is readily recognizable to a reasonable person as being correctional facility property or is reasonably identified as such by fencing or appropriate signs.

(b) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$500.00.

(c)(1) Subsection (a) of this section shall not apply to the use of a drone by:

(A) the Department of Corrections;

(B) a person operating a drone with the written consent of the correctional facility's supervising officer; or

(C) a person operating a drone that is being used for a commercial purpose, if the person is operating in compliance with any authorization, rule, or exemption granted by the Federal Aviation Administration.

(2) With prior notice to the correctional facility, subsection (a) of this section shall not apply to the use of a drone by:

(A) the Department of Buildings and General Services or its contractors working on behalf of the Department;

(B) a law enforcement agency; or

(C) a public safety agency responding to an emergency or a person engaged in emergency functions or emergency management pursuant to chapter 1 of this title (emergency management).

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.