

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 14, 2015

SENATE BILL

No. 167

Introduced by ~~Senator~~ *Senators Gaines and Jackson*

(Principal coauthor: Assembly Member Gatto)

(Coauthors: ~~Senators Berryhill and Fuller~~ *Anderson, Bates, Berryhill, Cannella, Fuller, Huff, Leno, McGuire, Morrell, Nielsen, Roth, Runner, and Stone*)

(Coauthors: Assembly Members *Travis Allen, Bigelow, Brown, Chávez, Cooper, Dahle, Beth Gaines, and Obernolte Jones, Lackey, Mathis, Mayes, Obernolte, and Rodriguez*)

February 5, 2015

An act to add Section ~~4167~~ *402.5* to the ~~Public Resources~~ *Penal* Code, relating to forest fires, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 167, as amended, Gaines. ~~Forest fires:~~ *Fires:* interference: unmanned aircraft.

Existing law prohibits specified behavior at forest fire sites, including disobeying the lawful orders of a public officer or firefighter or interfering with the lawful efforts of a firefighter to extinguish the fire, and makes this proscribed activity a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would make it a misdemeanor to violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by a fine of not less than \$200 or not more than \$2,000, or to knowingly, intentionally, or recklessly

~~violate any of these provisions through the use or operation of an unmanned aircraft or unmanned aircraft system, punishable by imprisonment in a county jail for not more than 6 months, or by a fine of \$5,000, or by both that fine and imprisonment. By creating new crimes, the bill would impose a state-mandated local program.~~

Existing law makes it a misdemeanor to engage in disorderly conduct that delays or prevents a fire from being timely extinguished or to resist or interfere with the lawful efforts of a firefighter in the discharge of an official duty. Existing law makes it a misdemeanor to impede police officers, firefighters, emergency personnel, or military personnel, in the performance of their duties in coping with an emergency.

This bill would make it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system, as defined, in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. The bill would make a violation of this prohibition punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed \$5,000, or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 4167 is added to the Public Resources~~
- 2 ~~Code, to read:~~
- 3 ~~4167. (a) Except as provided in subdivision (b), a person who~~
- 4 ~~violates this article through the use or operation of an unmanned~~
- 5 ~~aircraft or unmanned aircraft system is guilty of a misdemeanor,~~
- 6 ~~punishable by a fine of not less than two hundred dollars (\$200)~~
- 7 ~~or not more than two thousand dollars (2,000).~~

1 ~~(b) A person who knowingly, intentionally, or recklessly violates~~
 2 ~~this article through the use or operation of an unmanned aircraft~~
 3 ~~or unmanned aircraft system is guilty of a misdemeanor, punishable~~
 4 ~~by imprisonment in a county jail for not more than six months, or~~
 5 ~~by a fine of five thousand dollars (\$5,000), or by both that fine~~
 6 ~~and imprisonment.~~

7 ~~(e) For purposes of this section, “unmanned aircraft” means an~~
 8 ~~aircraft that is operated without the possibility of direct human~~
 9 ~~intervention from within or on the aircraft.~~

10 ~~(d) For purposes of this section, “unmanned aircraft system”~~
 11 ~~means an unmanned aircraft and associated elements, including,~~
 12 ~~but not limited to, communication links and the components that~~
 13 ~~control the unmanned aircraft that are required for the pilot in~~
 14 ~~command to operate safely and efficiently in the national airspace~~
 15 ~~system.~~

16 *SECTION 1. Section 402.5 is added to the Penal Code, to read:*

17 *402.5. (a) It is unlawful to knowingly, intentionally, or*
 18 *recklessly operate an unmanned aircraft or unmanned aircraft*
 19 *system in a manner that prevents or delays the extinguishment of*
 20 *a fire, or in any way interferes with the efforts of firefighters to*
 21 *control, contain, or extinguish a fire, including, but not limited to,*
 22 *efforts to control, contain, or extinguish the fire from the air. A*
 23 *violation of this section is punishable by imprisonment in a county*
 24 *jail not to exceed six months, by a fine not to exceed five thousand*
 25 *dollars (\$5,000), or by both that fine and imprisonment.*

26 *(b) (1) For purposes of this section, “unmanned aircraft” means*
 27 *an aircraft that is operated without the possibility of direct human*
 28 *intervention from within or on the aircraft.*

29 *(2) For purposes of this section, “unmanned aircraft system”*
 30 *means an unmanned aircraft and associated elements, including,*
 31 *but not limited to, communication links and the components that*
 32 *control the unmanned aircraft that are required for the individual*
 33 *in command to operate safely and efficiently in the national*
 34 *airspace system.*

35 *SEC. 2. No reimbursement is required by this act pursuant to*
 36 *Section 6 of Article XIII B of the California Constitution because*
 37 *the only costs that may be incurred by a local agency or school*
 38 *district will be incurred because this act creates a new crime or*
 39 *infraction, eliminates a crime or infraction, or changes the penalty*
 40 *for a crime or infraction, within the meaning of Section 17556 of*

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 SEC. 3. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:

8 To address the interference of unmanned aircraft with efforts to
9 fight ~~forest~~ fires *and to keep fires from raging out of control* during
10 ~~the current fire season~~, *this historic drought*, it is necessary that
11 this act take effect immediately.