

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY 2017

SENATE BILL NO. 80

**AN ACT TO REGULATE THE USE OF DRONES UNDER CERTAIN CONDITIONS AND
TO PROVIDE A PENALTY THEREFOR.**

A prison/jail population cost estimate statement has been requested on SB80 due to the creation of four crimes related to the use of drones in South Dakota. First, SB 80 creates a Class 1 misdemeanor to fly a drone over the grounds of a prison, jail, juvenile detention facility, airport, or military facility. Second, adds using a drone to invade a person's privacy to SDCL 22-21-1 and results in a Class 1 misdemeanor. Third, using a drone to drop contraband into a prison or correctional facility is a Class 6 felony. Finally, weaponizing a drone results in a Class 5 felony.

Wisconsin enacted legislation regarding weaponizing a drone and using a drone to invade a person's privacy in 2014. Arrest and conviction statistics were not available statewide but were available in five Wisconsin counties; Milwaukee, Dane, Marathon, Brown, and Langlade. Those five counties have a combined population of 1,837,855. Since enactment there has been no arrests or convictions in any of the five counties for weaponizing a drone or using a drone to invade a person's privacy. Based on zero arrests or convictions in five Wisconsin counties, South Dakota could expect a similar result for those two crimes created in SB 80.

Wisconsin and Tennessee also created a crime for operating a drone over a correctional institution, in 2016. No arrest and convictions statistics were available for Wisconsin. Tennessee has had no convictions and arrest statistics were unavailable.

Finally, no other state makes using a drone to drop contraband into a correctional facility a crime in addition to the initial crime of delivering contraband. However, between 2013 and 2015 there were very few instances of attempts to use a drone to deliver contraband to a prison, in fact there were only four known attempts in the United States. In that same period of 2013-2015 there were at least four known attempts abroad.

Drones and state legislation regulating drones is a relatively new phenomena within the last few years. However, based on the numbers currently available for

other states with similar crimes to SB 80 it is the opinion of the Legislative Research Council that the impact of SB 80 will be negligible.

Approved: /s/ Jason Hancock Date: 2/6/17

Director, Legislative Research Council