



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bills 487 and 488 (as introduced 9-10-15)  
Sponsor: Senator Darwin L. Booher  
Committee: Judiciary

Date Completed: 10-20-15

### **CONTENT**

**Senate Bill 487 would amend the Corrections Code to make it a felony to operate an unmanned aerial vehicle (UAV) within 1,000 feet of a correctional facility.**

**Senate Bill 488 would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 487 in the sentencing guidelines.**

The bills would take effect 90 days after their enactment. Senate Bill 488 is tie-barred to Senate Bill 487.

#### **Senate Bill 487**

The bill would prohibit a person who was operating a UAV from flying the aircraft or device within 1,000 feet of any correctional facility. A violation would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The prohibition and penalty would not apply to a law enforcement agency operating a UAV under Federal Aviation Administration regulations.

The bill would define "unmanned aerial vehicle" as an unmanned vehicle or device that uses aerodynamic forces to achieve flight and is piloted remotely.

"Correctional facility" would include a facility or institution that is maintained and operated by the Department of Corrections and a facility or institution operated by a private entity under the Corrections Code.

#### **Senate Bill 488**

Under the bill, operating an unmanned aerial vehicle within 1,000 feet of a correctional facility would be a Class F public safety felony with a statutory maximum sentence of four years' imprisonment.

Proposed MCL 791.269b (S.B. 487)  
MCL 777.17f (S.B. 488)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Senate Bill 487 could result in costs to State and local government. An increase in arrests would place incremental resource demands on local court systems, law enforcement, and prisons. For any new felony convictions that resulted in the offenders being sent to prison,

the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Including the proposed felony in the sentencing guidelines would have an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases even after the scoring of the offense is completed. This means that the addition to the guidelines under Senate Bill 488 would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Fiscal Analyst: Ryan Bergan