

HB 3948 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/7, 4/8

WHAT THE MEASURE DOES:

The measure increases the penalty and adds specifications to the crime of operation of an unmanned aircraft system over a correctional facility.

Detailed Summary

- Includes a correctional facility and youth correctional facility, as defined in ORS 162.135, in the definition of a critical infrastructure facility.
- Prohibits operation of an unmanned aircraft system (UAS) over a correctional facility or youth correctional facility at or below 400 feet above ground level, or allowing the UAS to make contact with the facility or any person on the facility premises.
- Creates a Class C felony for intentionally or knowingly operating a UAS over a correctional facility in violation of the measure.
- Directs the court to declare the UAS itself to be contraband and order its forfeiture, when sentencing a person convicted of the crime.
- Applies to conduct occurring on or after the measure's effective date.
- Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Discussion of problem during Public Safety Subcommittee of the Joint Ways and Means Committee consideration of Department of Corrections budget
- Creating a restricted no-fly zone
- Allows law enforcement operations and commercial carriers operating in compliance with FAA regulations
- Existing criminal penalties for supplying contraband

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A 2023 [brief](#) published by the National Institute of Justice reported an escalating threat from drones, or unmanned aircraft systems (UAS), delivering contraband into correctional facilities. The contraband includes not only drugs, but cell phones, SIM cards, escape paraphernalia, and weapons. Nearly every state including Oregon has laws prohibiting operation of UAS over correctional facilities, and several make it a felony.