

# House Bill 3948

Sponsored by Representative LEWIS, Senator BROADMAN, Representative HELFRICH; Representatives BOICE, BOSHART DAVIS, BREESE-IVERSON, DIEHL, DRAZAN, EDWARDS, HARBICK, LEVY B, OSBORNE, OWENS, RESCHKE, SCHARF, SKARLATOS, WRIGHT, YUNKER, Senator SMITH DB

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes it a worse crime to fly a drone over a correctional facility. The Act says that the court can take away the drone upon conviction. (Flesch Readability Score: 74.7).

Increases the penalty for operating an unmanned aircraft system over a critical infrastructure facility that is a correctional facility or youth correction facility. Makes the crime punishable by a maximum of five years' imprisonment, \$125,000 fine, or both. Provides that, upon conviction, the court shall order that the unmanned aircraft system be forfeited.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to unmanned aircraft systems; creating new provisions; amending ORS 837.372; and pre-  
3 scribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 837.372 is amended to read:

6 837.372. (1) As used in this section, "critical infrastructure facility" means any of the following  
7 facilities, if completely enclosed by a fence or other physical barrier that is obviously designed to  
8 exclude intruders, or if marked with a sign conspicuously posted on the property that indicates that  
9 entry is forbidden:

10 (a) A petroleum or alumina refinery;

11 (b) An electrical power generating facility, substation, switching station or electrical control  
12 center;

13 (c) A chemical, polymer or rubber manufacturing facility;

14 (d) A water intake structure, water treatment facility, wastewater treatment plant or pump  
15 station;

16 (e) A natural gas compressor station;

17 (f) A liquid natural gas terminal or storage facility;

18 (g) A telecommunications central switching office;

19 (h) A port, railroad switching yard, trucking terminal or other freight transportation facility;

20 (i) A gas processing plant, including a plant used in the processing, treatment or fractionation  
21 of natural gas;

22 (j) A transmission facility used by a federally licensed radio or television station;

23 (k) A steelmaking facility that uses an electric arc furnace to make steel;

24 (L) A dam that is classified as a high hazard by the Water Resources Department;

25 (m) Any portion of an aboveground oil, gas or chemical pipeline that is enclosed by a fence or  
26 other physical barrier that is obviously designed to exclude intruders; [or]

27 (n) A [*correctional facility* or] law enforcement facility[.]; **or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **(o) A correctional facility or youth correction facility, as that term is defined in ORS**  
2 **162.135.**

3       (2) Except as provided in [subsection (3)] **subsections (3) and (4)** of this section, a person com-  
4 mits a Class A violation if the person intentionally or knowingly:

5       (a) Operates an unmanned aircraft system over a critical infrastructure facility at an altitude  
6 not higher than 400 feet above ground level; or

7       (b) Allows an unmanned aircraft system to make contact with a critical infrastructure facility,  
8 including any person or object on the premises of or within the facility.

9       **(3)(a) A person commits a Class C felony if the person intentionally or knowingly:**

10       **(A) Operates an unmanned aircraft system over a critical infrastructure facility that is**  
11 **a correctional facility or youth correction facility at an altitude not higher than 400 feet**  
12 **above ground level; or**

13       **(B) Allows an unmanned aircraft system to make contact with a critical infrastructure**  
14 **facility that is a correctional facility or youth correction facility, including any person or**  
15 **object on the premises of or within the facility.**

16       **(b) In addition to and not in lieu of any other sentence the court may impose, upon**  
17 **conviction under this subsection, the court shall, at the time of sentencing, declare the un-**  
18 **manned aircraft system used in the offense to be contraband and order that the unmanned**  
19 **aircraft system be forfeited.**

20       [(3)] (4) This section does not apply to:

21       (a) The federal government.

22       (b) A public body.

23       (c) A law enforcement agency.

24       (d) A person under contract with or otherwise acting under the direction or on behalf of the  
25 federal government, a public body or a law enforcement agency.

26       (e) An owner or operator of the critical infrastructure facility.

27       (f) A person who has the prior written consent of the owner or operator of the critical  
28 infrastructure facility.

29       (g) The owner or occupant of the property on which the critical infrastructure facility is located.

30       (h) A person who has the prior written consent of the owner or occupant of the property on  
31 which the critical infrastructure facility is located.

32       (i) A person operating an unmanned aircraft system for commercial purposes in compliance with  
33 authorization granted by the Federal Aviation Administration.

34       **SECTION 2. The amendments to ORS 837.372 by section 1 of this 2025 Act apply to con-**  
35 **duct occurring on or after the effective date of this 2025 Act.**

36       **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
37 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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