

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 499

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO UNMANNED AIRCRAFT SYSTEMS; AMENDING CHAPTER 2, TITLE 20, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 20-251, IDAHO CODE, TO DEFINE
3 TERMS AND TO ESTABLISH PROVISIONS REGARDING UNMANNED AIRCRAFT SYSTEMS
4 NEAR DEPARTMENT OF CORRECTION FACILITIES; AND DECLARING AN EMERGENCY
5 AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 2, Title 20, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 20-251, Idaho Code, and to read as follows:

11 20-251. UNMANNED AIRCRAFT SYSTEMS NEAR DEPARTMENT OF CORRECTION FA-
12 CILITIES. (1) As used in this section:

13 (a) "Mitigation measures" means actions, such as jamming, that are
14 taken to cause electronic interference to neutralize, intercept, dis-
15 able, or disrupt an unmanned aircraft system in order to prevent illegal
16 or harmful activity.

17 (b) "Nefarious manner" means a manner in which an unmanned aircraft
18 system is used for an illegal, dangerous, or harmful purpose. Such
19 purpose may include but is not limited to spying, smuggling contraband,
20 facilitating criminal activity, or posing a direct threat to public
21 safety or security of a correctional facility.

22 (c) "Proximity" means within two (2) nautical miles from the farthest
23 defined perimeter of a correctional facility.

24 (d) "Restricted airspace" means the airspace over a department of cor-
25 rection facility as depicted on visual flight rules navigation charts.

26 (2) The department of correction or a law enforcement officer or agency
27 may take reasonable and necessary mitigation measures against a threat posed
28 by an unmanned aircraft system operating in proximity to restricted airspace
29 within this state in a nefarious manner. Such measures may include but are
30 not limited to:

31 (a) The use of detection, tracking, and identification methods; and

32 (b) The interception or disabling of an unmanned aircraft system
33 through legal and safe methods, including but not limited to jamming,
34 hacking, or physical capture.

35 (3) The department of correction or a law enforcement officer or agency
36 may act pursuant to subsection (2) of this section only if there is reason-
37 able suspicion that the unmanned aircraft system is operating in a nefarious
38 manner within the proximity of the restricted airspace of any department of
39 correction facility where prisoners are held. The department of correction
40 or a law enforcement officer or agency shall not be liable for any loss of or
41 damage to an unmanned aircraft system due to mitigation measures taken pur-

1 suant to this section. The department of correction shall post notices on
2 roads near correctional facilities that the area is a "Drone No Fly Zone."

3 (4) The use of an unmanned aircraft system within the proximity of the
4 restricted airspace of a correctional facility shall be unlawful. Whoever
5 commits the crime of unlawful use of an unmanned aircraft system within the
6 proximity of the restricted airspace of a correctional facility shall be
7 fined not less than two thousand dollars (\$2,000) and not more than five
8 thousand dollars (\$5,000) or imprisoned for not more than one (1) year. In
9 addition to the sentence imposed pursuant to this subsection, the court
10 shall order the forfeiture of the unmanned aircraft system used in connec-
11 tion with the unlawful act.

12 (5) It shall be the responsibility of unmanned aircraft system opera-
13 tors to be familiar with all airspace restrictions and the location of cor-
14 rectional facilities and all other restricted airspace when operating un-
15 manned aircraft systems. Lack of knowledge that the prohibited act occurred
16 within the proximity of the restricted airspace of the correctional facility
17 shall not be a defense.

18 SECTION 2. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2026.