

Article 16B.

Use of Unmanned Aircraft Systems.

**§ 15A-300.1. Restrictions on use of unmanned aircraft systems.**

- (a) Definitions. – The following definitions apply to this Article:
- (1) Manned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated with a person in or on the aircraft.
  - (2) Repealed by Session Laws 2017-160, s. 1, effective December 1, 2017, and applicable to offenses committed on or after that date and acts occurring and causes of action arising on or after that date.
  - (3) Unmanned aircraft. – An aircraft, as defined in G.S. 63-1, that is operated without the possibility of human intervention from within or on the aircraft.
  - (4) Unmanned aircraft system. – An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.
- (b) General Prohibitions. – Except as otherwise provided in this section, no person, entity, or State agency shall use an unmanned aircraft system to do any of the following:
- (1) Conduct surveillance of:
    - a. A person or a dwelling occupied by a person and that dwelling's curtilage without the person's consent.
    - b. Private real property without the consent of the owner, easement holder, or lessee of the property.
  - (2) Photograph an individual, without the individual's consent, for the purpose of publishing or otherwise publicly disseminating the photograph. This subdivision shall not apply to newsgathering, newsworthy events, or events or places to which the general public is invited.
- (c) Law Enforcement Exceptions. – Notwithstanding the provisions of subsection (b) of this section, the use of unmanned aircraft systems by law enforcement agencies of the State or a political subdivision of the State is not prohibited in the following instances:
- (1) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security or the Secretary of the North Carolina Department of Public Safety determines that credible intelligence indicates that such a risk exists.
  - (2) To conduct surveillance in an area that is within a law enforcement officer's plain view when the officer is in a location the officer has a legal right to be.
  - (3) If the law enforcement agency first obtains a search warrant authorizing the use of an unmanned aircraft system.
  - (4) If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, to conduct pursuit of an escapee or suspect, or to facilitate the search for a missing person.
  - (5) To photograph gatherings to which the general public is invited on public or private land.
- (c1) Emergency Management Exception. – Notwithstanding the provisions of subsection (b) of this section, an emergency management agency, as defined in G.S. 166A-19.3, may use

unmanned aircraft systems for all functions and activities related to emergency management, including incident command, area reconnaissance, search and rescue, preliminary damage assessment, hazard risk management, and floodplain mapping.

(d) Repealed by Session Laws 2017-160, s. 2, effective July 21, 2017.

(e) Any person who is the subject of unwarranted surveillance, or whose photograph is taken in violation of the provisions of this section, shall have a civil cause of action against the person, entity, or State agency that conducts the surveillance or that uses an unmanned aircraft system to photograph for the purpose of publishing or otherwise disseminating the photograph. In lieu of actual damages, the person whose photograph is taken may elect to recover five thousand dollars (\$5,000) for each photograph or video that is published or otherwise disseminated, as well as reasonable costs and attorneys' fees and injunctive or other relief as determined by the court.

(f) Evidence obtained or collected in violation of this section is not admissible as evidence in a criminal prosecution in any court of law in this State except when obtained or collected under the objectively reasonable, good-faith belief that the actions were lawful. (2014-100, s. 34.30(a); 2017-160, ss. 1-3.)

### **§ 15A-300.2. Regulation of launch and recovery sites.**

(a) No unmanned aircraft system may be launched or recovered from any State or private property without consent.

(b) A unit of local government may adopt an ordinance to regulate the use of the local government's property for the launch or recovery of unmanned aircraft systems. (2014-100, s. 34.30(a).)

### **§ 15A-300.3. Use of an unmanned aircraft system near a confinement or correctional facility prohibited.**

(a) Prohibition. – No person, entity, or State agency shall use an unmanned aircraft system within either a horizontal distance of 500 feet, or a vertical distance of 250 feet from any local confinement facility, as defined in G.S. 153A-217, or State or federal correctional facility. For the purpose of this section, horizontal distance shall extend outward from the furthest exterior building walls, perimeter fences, and permanent fixed perimeter, or from another boundary clearly marked with posted notices. Posted notices shall be conspicuously posted not more than 100 yards apart along a marked boundary and comply with Department of Transportation guidelines.

(b) Exceptions. – Unless the use of the unmanned aircraft system is otherwise prohibited under State or federal law, the distance restrictions of subsection (a) of this section do not apply to any of the following:

- (1) A person operating an unmanned aircraft system with written consent from the official in responsible charge of the facility.
- (2) A law enforcement officer using an unmanned aircraft system in accordance with G.S. 15A-300.1(c).
- (3) A public utility, as defined in G.S. 62-3(23), a provider, as defined in G.S. 146-29.2(a)(6), or a commercial entity, provided that the public utility, provider, or commercial entity complies with all of the following:
  - a. The unmanned aircraft system must not be used within either a horizontal distance of 150 feet, or within a vertical distance of 150 feet

from any local confinement facility or State or federal correctional facility.

- b. Notifies the official in responsible charge of the facility at least 24 hours prior to operating the unmanned aircraft system. A commercial entity operating in compliance with G.S.15A-300.1 and pursuant to the provisions of this subdivision is exempt from the 24-hour notice requirement.
  - c. Uses the unmanned aircraft system for the purpose of inspecting public utility or provider transmission lines, equipment, or communication infrastructure or for another purpose directly related to the business of the public utility, provider, or commercial entity.
  - d. Uses the unmanned aircraft system for commercial purposes pursuant to and in compliance with (i) Federal Aviation Administration regulations, authorizations, or exemptions and (ii) Article 10 of Chapter 63 of the General Statutes.
  - e. The person operating the unmanned aircraft system does not physically enter the prohibited space without an escort from the facility.
- (4) An emergency management agency, as defined in G.S. 166A-19.3, emergency medical services personnel, firefighters, and law enforcement officers, when using an unmanned aircraft system in response to an emergency.
- (c) Penalty. – The following penalties apply for violations of this section:
- (1) A person who uses an unmanned aircraft system (i) in violation of subsection (a) of this section or (ii) pursuant to an exception in subsection (b) of this section and who delivers, or attempts to deliver, a weapon to a local confinement facility or State or federal correctional facility is guilty of a Class H felony, which shall include a fine of one thousand five hundred dollars (\$1,500). For purposes of this subdivision, the term "weapon" is as defined in G.S. 14-401.24(c).
  - (2) A person who uses an unmanned aircraft system (i) in violation of subsection (a) of this section or (ii) pursuant to an exception in subsection (b) of this section and who delivers, or attempts to deliver, contraband to a local confinement facility or State or federal correctional facility is guilty of a Class I felony, which shall include a fine of one thousand dollars (\$1,000). For purposes of this subdivision, the term "contraband" includes controlled substances, as defined in G.S. 90-87, cigarettes, alcohol, and communication devices, but does not include weapons.
  - (3) A person who uses an unmanned aircraft system in violation of subsection (a) of this section for any other purpose is guilty of a Class 1 misdemeanor, which shall include a fine of five hundred dollars (\$500.00).

(d) Seizure, Forfeiture, and Disposition of Seized Property. – A law enforcement agency may seize an unmanned aircraft system and any attached property, weapons, and contraband used in violation of this section. An unmanned aircraft system used in violation of this section and seized by a law enforcement agency is subject to forfeiture and disposition pursuant to G.S. 18B-504. An innocent owner or holder of a security interest applying to the court for release of the unmanned aircraft system, in accordance with G.S. 18B-504(h), shall also provide proof of ownership or security interest and written certification that the unmanned aircraft system will not

be returned to the person who was charged with the violation of subsection (a) of this section. The court shall forfeit and dispose of any other property, weapons, or contraband seized by a law enforcement agency in connection with a violation of this section pursuant to G.S. 18B-504, 14-269.1, 90-112, or any combination thereof. (2017-179, s. 1.)