

LEGAL SERVICES

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MEMORANDUM

January 21, 2016

SUBJECT: Penalties for failure to land unmanned aircraft at direction of peace officer (Work Order No. 29-LS1271\W)

TO: Representative Shelley Hughes
Attn: Ginger Blaisdell

FROM: Daniel C. Wayne
Legislative Counsel 

Attached is a new version of the draft bill numbered above. As requested, I added language, on page 3, lines 8 - 9, requiring that, in order to be guilty of disorderly conduct for piloting or operating an unmanned aircraft over private property with intent to photograph a person without permission, the operator would also have to cause the aircraft to hover over the property.

In our January 20 meeting you asked if the classification and penalties for the proposed offense "failure to land an unmanned aircraft at direction of a peace officer," on page 2, lines 14 - 16 of the draft bill, are greater than those for failing to stop a motor vehicle at direction of a peace officer. You asked that the classification and penalties for the "failure to land" offense be reduced in the draft bill if necessary to avoid treating operators of unmanned aircraft more severely than motor vehicle operators in similar circumstances. After reviewing AS 28.35.182(b) once more — the motor vehicle offense on which the "failure to land" offense in the draft bill is partly modeled — I note that a motor vehicle operator convicted under AS 28.35.182(b) is guilty of a class A misdemeanor and risks up to one year in jail. Both the classification of the offense and the maximum allowable jail sentence are more severe for a conviction under AS 28.35.182(b) than for a conviction under the class B misdemeanor "failure to land. . . " proposed in the draft bill.

If I may be of further assistance, please advise.

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Attachment