

CHAPTER 190  
FORMERLY  
HOUSE BILL NO. 30  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNMANNED AIRCRAFT SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1256, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1256. Promoting prison contraband; class F felony; class A misdemeanor.

(a) A person is guilty of promoting prison contraband when:

- (1) The person knowingly and unlawfully introduces any contraband into a detention facility; or
- (2) The person possesses with intent to deliver any contraband to any person confined within a detention facility; or
- (3) Being a person confined in a detention facility, the person knowingly and unlawfully makes, obtains or possesses any contraband.

~~Promoting prison contraband is a class A misdemeanor except that if the prison contraband is a deadly weapon, cellular telephone, or any prohibited electronic device not specifically authorized or approved by the Commissioner or designee, any illegal narcotic or look-a-like substance, any prescription medication, or any item or article that could be used to facilitate an escape, it is a class F felony.~~

(b) Promoting prison contraband is a class A misdemeanor. However, promoting prison contraband is a class F felony if any of the following applies:

(1) The prison contraband is a deadly weapon, cellular telephone, or any prohibited electronic device not specifically authorized or approved by the Commissioner or designee, any illegal narcotic or look-a-like substance, or any prescription medication, or any item or article that could be used to facilitate an escape.

(2) An unmanned aircraft system is used to deliver or attempt to deliver any of the following into a detention facility

a. contraband, as defined by § 1258 of this title.

b. any of the contraband listed in paragraph (b)(1) of this section.

Section 2. Amend § 1334, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1334. Unlawful use of an unmanned aircraft system; unclassified misdemeanor; class B misdemeanor; class A misdemeanor.

(d) *Penalties.* — ~~Unlawful~~ Except as set forth in § 1256 of this title, unlawful use of an unmanned aircraft system is an unclassified misdemeanor for a first offense and a class B misdemeanor for a second or subsequent

offense, except that in any case where physical injury to a person or damage to property occurs as a result of a violation of this section unlawful use of an unmanned aircraft system is a class A misdemeanor.

Approved August 8, 2019