



SPONSOR: Rep. Smyk & Rep. Baumbach & Sen. Ennis
Reps. Brady, Briggs King, Carson, Chukwuocha, Dukes,
Gray, Mitchell, Morris, Osienski, Ramone, D. Short,
Vanderwende, Viola; Sens. Hansen, Hocker, Lawson,
Sokola, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

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.