

§761. Unauthorized use of drone on or over premises of correctional facility or jail

1. A person is guilty of unauthorized use of a drone on or over the premises of a correctional facility or jail if the person intentionally or knowingly flies a drone over the premises of a correctional facility or jail at or below a height of 400 feet above the ground, lands a drone on the premises or flies a drone from the premises.

A. Except as provided in paragraph B, a person who violates this subsection commits a civil violation for which a fine of not less than \$500 may be adjudged. [PL 2025, c. 689, §1 (NEW).]

B. A person who violates this subsection after having been previously adjudicated as violating this subsection or has been previously adjudicated of committing a violation for conduct substantially similar to that prohibited in this subsection in another jurisdiction commits a Class D crime. Section 9-A governs the use of prior convictions when determining a sentence. [PL 2025, c. 689, §1 (NEW).]

[PL 2025, c. 689, §1 (NEW).]

2. This section does not apply to:

A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty; or [PL 2025, c. 689, §1 (NEW).]

B. Another person acting in the course and scope of employment, as approved by the chief administrative officer of the correctional facility or the jail administrator. [PL 2025, c. 689, §1 (NEW).]

[PL 2025, c. 689, §1 (NEW).]

3. It is not a defense to a prosecution under this section that the person holds a valid license to operate a drone issued by the United States Department of Transportation, Federal Aviation Administration or is otherwise permitted to operate a drone pursuant to regulations of the Federal Aviation Administration.

[PL 2025, c. 689, §1 (NEW).]

4. As used in this section, the following terms have the following meanings.

A. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6. [PL 2025, c. 689, §1 (NEW).]

B. "Drone" means an aircraft or aircraft system operated without a physical human presence within or on the aircraft and includes, but is not limited to, an unmanned aircraft system, unmanned aerial vehicle, remotely piloted aircraft system or micro air vehicle. [PL 2025, c. 689, §1 (NEW).]

C. "Jail" means a county or regional jail. [PL 2025, c. 689, §1 (NEW).]

D. "Micro air vehicle" means a drone that weighs less than one kilogram. [PL 2025, c. 689, §1 (NEW).]

E. "Premises" includes, but is not limited to, lands, ways and any buildings or structures on those lands or ways. [PL 2025, c. 689, §1 (NEW).]

F. "Remote pilot station" means equipment such as controls, displays or a cockpit located separately from a drone and used by an operator to fly a drone. [PL 2025, c. 689, §1 (NEW).]

G. "Remotely piloted aircraft system" means a system that includes a drone, a remote pilot station and equipment for communication between the remote pilot station and the drone. [PL 2025, c. 689, §1 (NEW).]

H. "Unmanned aerial vehicle" means a powered aircraft that flies without a human pilot on board that is controlled either remotely from the ground or autonomously through a preprogrammed flight plan. [PL 2025, c. 689, §1 (NEW).]

I. "Unmanned aircraft system" means a system that includes a drone, a remote control station and equipment for communication between the remote control station and the drone. [PL 2025, c. 689, §1 (NEW).]

[PL 2025, c. 689, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 689, §1 (NEW).

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