

NetChoice *Promoting Convenience, Choice, and Commerce on The Net*

Carl Szabo, Vice President and General Counsel

1401 K St NW, Suite 502

Washington, DC 20005

202-420-7485

www.netchoice.org



Representative Justin Slaughter, Chair
Assembly Judiciary Committee - Criminal
Illinois Assembly

March 26, 2019

RE: **Opposition to HB 3190 – Overcriminalization of drone flights**

Dear Chair Slaughter and members of the committee,

We ask you not advance HB 3190.

We agree with the intent to install reasonable regulations on the use of unmanned aerial vehicles (UAV). However, HB 3190 creates unintended consequences by over criminalizing and creating tech-specific laws regarding UAVs.

UAVs hold tremendous promise of hobbyists and businesses. From real estate to security, agriculture, architecture, engineering, and package delivery, UAVs can provide tremendous commercial benefits to consumers and businesses in both rural and urban areas.

However, passing HB 3190 would reduce the applicability of existing laws to new technology.

Our criminal and civil laws are written and interpreted in ways that are tech-neutral. Take, for example, the crime of obstructing public passages. This law does not specifically address the obstruction of public passages by wall, car, or truck. Nor was this law amended when such vehicles became available. Instead, like most all Illinois laws, this law remained tech-neutral and it applied to intentional obstructions regardless of how they manifested themselves.

HB 308 breaks from the two-hundred years of tech-neutral criminal laws by specifically applying existing criminal actions to the use of drones. However, imposes a strict liability on the operator of a UAV where they can be found guilty even if there is no intent to operate recklessly or cause harm to another. This standard exposes your constituents to additional criminal liability.

HB 3190's definition of critical infrastructure is so broad it would apply to flights over freight transportation facilities or offices that house a TV station.

Moreover, HB 3190 lacks necessary exceptions for emergency safety situations where a UAV must enter private property.

We understand that these are existing flaws in state law, but now, HB 3190 would send Illinois citizens to prison for up-to 1 year for just flying near critical infrastructure.

While we ask that you not adopt HB 3190, we welcome the opportunity to work with you on reasonable regulations that allow all to prosper.

Sincerely,

Carl Szabo

Vice President and General Counsel, NetChoice

NetChoice is a trade association of e-Commerce and online businesses. www.netchoice.org