



United States Sentencing Commission
Public Data Briefing Video Transcript
(May 2026)

Proposed Amendment on Unmanned Aircraft

My name is Jessica Collins. I am a Senior Attorney in the Office of Education and Sentencing Practice at the United States Sentencing Commission.

On April 16, 2026, the Commission voted to publish a proposed amendment to the United States Sentencing Guidelines on Unmanned Aircraft. The Commission is seeking public comment on the proposed amendment. It is accepting comment through June 18, 2026.

To further inform commenters, this presentation provides information and data regarding offenses involving unmanned aircraft.

To provide context for the data presentation, I will begin with brief background information regarding the proposed amendment.

The proposed amendment on unmanned aircraft responds to the Safer Skies Act of 2025, which contains several relevant provisions relating to criminal penalties for offenses involving aircraft.

Specifically, the Act establishes—

- enhanced statutory penalties for certain offenses *and*
- contains a directive to the Commission.



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The act provides for enhanced statutory penalties in three circumstances.

First, the Act amends 49 U.S.C. section 46307, Violation of National Defense Airspace. Prior to the Act, a violation of this section constituted a misdemeanor, punishable by up to 1 year in prison. The act adds a new felony offense, punishable by up to 5 years in prison, if an individual is convicted of a second or subsequent offense under this section.

Second, where an individual is convicted under section 1791 of Title 18, which prohibits providing or possessing contraband in prison, *and* that individual knowingly used an unmanned aircraft to provide a prohibited object to an inmate of a prison, the Act provides that the maximum term of imprisonment is increased by 5 years.

Third, if an individual convicted of a felony offense (other than an offense based solely on the operation of an unmanned aircraft) knowingly operated an unmanned aircraft during, in relation to, or in furtherance of such offense, the maximum term of imprisonment for that offense is doubled or increased by five years, whichever is less.

This third enhanced statutory penalty is referred to as the “enhanced penalties of subsection (c),” which I will reference again shortly in discussing the directive.

In addition to the enhanced statutory penalties, the Act also contains a directive requiring the Commission to promulgate guidelines, or amendments to guidelines, that ***substantially increase the sentencing range for all offenses involving the use of an unmanned aircraft.***

The directive specifically provides that—

- For cases in which the enhanced penalties of subsection (c) apply—that is, the enhanced statutory penalties for individuals who knowingly operated an unmanned aircraft during, in relation to, or in furtherance of a felony offense (other than an offense based solely on the operation of an unmanned aircraft)—the guidelines shall call for an increase of at least 6 levels in the base offense level.
- For all other cases, the base offense level shall be increased by at least 4 levels.

The proposed amendment on Unmanned Aircraft has two aspects.

First, the proposed amendment would create a new Guideline, section 3B1.6, providing an Adjustment for the Use of Unmanned Aircraft



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Second, the proposed amendment would amend Appendix A to include references for 49 U.S.C. § 46307 to account for the new felony offense

The proposed amendment also includes issues for comment.

With respect to the proposed new Chapter Three Adjustment, section 3B1.6 would provide a tiered adjustment for offenses involving the use of an unmanned aircraft.

The amendment provides *two options* under which the higher tier increase—bracketed at 6 levels—would apply.

- Under **Option 1**, this increase would apply if the statutory sentencing enhancement under 6 U.S.C. § 124n-1 subsection (c) applies
- Under **Option 2**, this increase would apply if the sentenced individual were convicted of a felony offense not based solely on the operation of an unmanned aircraft *and* knowingly operated an unmanned aircraft during, in relation to, or in furtherance of that offense

Under each option, the lower-tier increase—bracketed at 4 levels—would apply to all other offenses involving the use of an unmanned aircraft.

We will now present data regarding cases involving unmanned aircraft.

We first examine the prevalence of offenses involving unmanned aircraft in recent fiscal years. Cases in which the unmanned aircraft was used by law enforcement were *excluded* from this analysis.

Based on information contained in presentence reports, of the more than 61,000 individuals sentenced under the guidelines in fiscal year 2024, in just under 60 cases—or approximately 0.1% of cases—the offense involved an unmanned aircraft.

To evaluate whether there has been an increase in the prevalence of these cases, we conducted the same review in preliminary data of individuals sentenced in fiscal year 2025. We did **not** identify any *increase* in prevalence. Of the more than 66,000 individuals sentenced in fiscal year 2025, in just under 60 cases—or approximately 0.1% of cases—the offense involved an unmanned aircraft.



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One note on this data. In conducting this review, cases were included in the analysis as “involving unmanned aircraft” when the offense conduct described in the presentence report included the use of an unmanned aircraft. Many of these cases, however, involved multiple individuals jointly engaged in criminal activity. Therefore, the data in this presentation likely *overrepresents* the use of unmanned aircraft in federal cases in these fiscal years.

A court would ultimately have to make a determination as to whether the relevant conduct of a particular sentenced individual included the use of an unmanned aircraft.

Accordingly, the 113 cases identified in these two fiscal years may be *overinclusive* relative to the potential application of the proposed Chapter Three adjustment.

We will now take a closer look at the cases in which the offense involved an unmanned aircraft. As we did not observe any significant difference between fiscal years 2024 and 2025, the remaining data will include cases from both years.

We begin with data on the demographic characteristics of individuals sentenced for offenses involving unmanned aircraft. As shown here, almost half of the sentenced individuals in these cases were Hispanic. Most of the individuals were male and United States citizens.

As to criminal history, the majority of the sentenced individuals in cases involving unmanned aircraft (58%) were in Criminal History Category I, with the remaining individuals spread roughly evenly across the other five criminal history categories.

This figure depicts the primary crime types for cases involving unmanned aircraft.

As shown here, there were two predominant crime types for these cases: drug trafficking and immigration, each of which represents approximately 35% of the unmanned aircraft cases. These crime types generally correspond to the two predominant ways in which unmanned aircraft were used in offenses, which we will discuss in greater detail later in this briefing.

Specifically, they correspond to—

- (1) the use of unmanned aircraft to provide contraband, including controlled substances, into correctional facilities; and



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(2) to the use of unmanned aircraft to conduct surveillance during border crossings.

For cases in which the primary crime type was immigration, most—38 out of 40—were sentenced under §2L1.1, the guideline for smuggling, transporting, or harboring an unlawful alien. Two of the forty cases were sentenced under §2L1.2, the guideline for illegal entry and reentry offenses.

To provide further information on the characteristics of offenses involving unmanned aircraft, we will now present data on the application of certain sentencing enhancements and adjustments in these cases. There were 110 cases with complete guideline application information. As shown in this figure, of these:

- The sentenced individual received a weapon enhancement in 16 cases
- In 10 cases, the individual received an adjustment for aggravating role under §3B1.1,
- While in 13 cases, the individual received a reduction for mitigating role under §3B1.2
- The remaining adjustments applied less frequently

Note that *none* of the individuals whose offenses involved an unmanned aircraft received an adjustment under §3B1.3 for abuse of trust or the use of a special skill. In other words, in no case did the court treat the use or piloting of a drone as the use of a special skill for purposes of the adjustment at §3B1.3.



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The proposed amendment includes an issue for comment seeking public comment on how the proposed new Chapter Three adjustment should interact with other guidelines that may also account for conduct involving the use of unmanned aircraft. To identify provisions that may apply based on the same conduct as the proposed new adjustment at 3B1.6, we reviewed all specific offense characteristics that applied in the set of cases involving unmanned aircraft. This table highlights three of the specific offense characteristics.

First, of the 113 identified cases involving unmanned aircraft, there were two cases in which the sophisticated means enhancement at §2B1.1(b)(10)(C) applied. In these cases, however, it was other conduct—and *not* the use of an unmanned aircraft—that constituted sophisticated means resulting in the enhancement.

Second, §2D1.1(b)(3)(A) provides a 2-level enhancement, with an offense level floor of 26, if the defendant unlawfully imported or exported a controlled substance under circumstances in which “an aircraft other than a regularly scheduled commercial air carrier was used to import or export the controlled substance.” This specific offense characteristic applied in one case involving the use of an unmanned aircraft. In that case, the enhancement applied based on the use of a drone to import a controlled substance.

Finally, §2D1.1(b)(4) provides a 2-level enhancement if the object of the drug trafficking offense was the distribution of a controlled substance in a prison, correctional facility, or detention facility. This enhancement applied in 22 of the cases involving unmanned aircraft, consistent with the use of unmanned aircraft to distribute contraband into correctional facilities.

As mentioned previously, the enhanced statutory penalties under 6 U.S.C. § 124n-1 subsection (c), which are tied to the minimum 6-level increase required by the Safer Skies Act directive, may apply to felony offenses *other than* offenses based solely on the operation of an unmanned aircraft.

This figure, then, shows whether, in cases involving unmanned aircraft, the offense was based solely on the operation of the unmanned aircraft. As reflected here, in approximately 7% of cases the offense was based *solely* on the operation of an unmanned aircraft.

In most cases, the unmanned aircraft was used as part of some other offense, not based on the operation of the aircraft itself.



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Next, we examine whether the *sentenced individual's conduct* involved the use of the unmanned aircraft. This analysis was not limited to circumstances in which the sentenced individual personally *operated* the unmanned aircraft, but rather included cases in which the sentenced individual's *own conduct* in the offense involved the use of an unmanned aircraft in some fashion.

- For example, in a case in which a drone was used to deliver contraband in a correctional facility, the sentenced individual's conduct would be considered to involve the use of the unmanned aircraft if the sentenced individual coordinated the time and location of the drone delivery even if the individual did not operate the drone personally
- Similarly, in a border crossing case, the sentenced individual's conduct would be considered to involve the use of an unmanned aircraft if the sentenced individual received instructions from the drone operator on where to go.

As shown here, in approximately 58% of cases in which the offense involved an unmanned aircraft, the *sentenced individual's own conduct* involved the use of the unmanned aircraft.

Note that this figure is not intended to reflect the difference between an offense-based and a defendant-based adjustment. As explained previously, the set of cases identified as involving unmanned aircraft is likely *overinclusive* relative to the potential application of the proposed new Chapter Three adjustment. A court would have to determine whether the relevant conduct for a particular sentenced individual included the use of an unmanned aircraft.

There were 66 cases in which the sentenced individual's conduct involved the use of the unmanned aircraft. Of those, the sentenced individual personally *operated* the aircraft in 28 cases.



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When considering whether the sentenced individual or another individual operated the unmanned aircraft, note that, in many cases, the identity of the unmanned aircraft operator is unknown. In *almost half* of cases in which the offense involved an unmanned aircraft, the identity of the unmanned aircraft operator is not known based on the information contained in the PSR.

We next examine how the unmanned aircraft was used in the offense. As mentioned previously, there were two primary ways in which unmanned aircraft were used:

- to deliver contraband into prisons or correctional facilities, commonly referred to as “drone drops,” which occurred in 47% of the unmanned aircraft cases, and
- for border crossing surveillance, which occurred in approximately 35% of cases.

Less frequently, unmanned aircraft were used to interfere with other aircraft, for counter-surveillance outside of the border crossing context, and in other ways.

We will now examine more closely the two predominant uses of unmanned aircraft . . .

. . . Beginning with border crossing surveillance. There were 40 cases in which an unmanned aircraft was used for border crossing surveillance.

Most border-crossing surveillance cases—83%—involved the transport of undocumented individuals across the border. 13% involved the transport of drugs, while 5% of cases involved the transport of both drugs and undocumented individuals.

Next, turning to . . . prison contraband delivery.

This was the most common way that an unmanned aircraft was used in an offense. There were 53 cases in which an unmanned aircraft was used for prison contraband delivery.

The most common type of contraband in these cases was controlled substances (in 48 cases), followed by cellphones (in 22 cases). Note that these are not mutually exclusive categories. Some cases involved multiple contraband types.

For prison contraband delivery cases, we collected information on whether the sentenced individual was incarcerated in the correctional facility at the time of the offense. In other words, was the sentenced individual *receiving* the contraband delivery into the prison or correctional facility?



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13% of the prison contraband delivery cases involved individuals who were incarcerated at the time of the offense. Most individuals, however, were not incarcerated.

We also examined whether the correctional facility at issue in a prison contraband delivery case was a federal or non-federal facility.

An offense under 18 U.S.C. § 1791 must involve a Federal correctional, detention, or penal facility or a prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General.

Approximately one-third of the prison contraband delivery cases involved federal facilities, with the remaining two-thirds involving non-federal facilities.

Finally, we will present data on the sentences imposed for offenses involving unmanned aircraft.

This figure depicts sentences relative to the guideline range. Almost half of cases involving unmanned aircraft—49%—were sentenced within the guideline range, and a downward departure for substantial assistance or an early disposition program applied in approximately 17% of cases. Other than substantial assistance or early disposition cases, approximately 31% of cases involved a below-range sentence.

For unmanned aircraft cases in the two most common crime types—immigration and drug trafficking—we compare the average sentence with the guideline minimum.

As shown in this figure, for *immigration* cases involving unmanned aircraft, the average sentence was 8 months, with an average guideline minimum of 11 months.

For drug trafficking cases involving unmanned aircraft, the average sentence was 79 months, with an average guideline minimum of 97 months.

This concludes the data presentation. For further information on the proposed amendment, please visit the United States Sentencing Commission’s website at www.ussc.gov.

Comments may be submitted to the Commission at the addresses shown. The public comment period concludes on **June 18, 2026**.