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 DIGEST

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SB 141 Reengrossed

2016 Regular Session

Claitor

Present law, relative to criminal trespass, provides that no person is allowed to enter upon immovable property owned by another, or remain in or upon property owned by another, without express, legal, or implied authorization.

Proposed law retains present law and adds the following definitions for purposes of present law:

- (1) "Enter upon immovable property" and "remain in or upon property" include the operation of an unmanned aircraft system in the air space over immovable property owned by another with the intent to conduct surveillance of the property or of any individual lawfully on the property.
- (2) "Unmanned aircraft system" (UAS) means an aircraft that is operated without the possibility of direct human intervention from on or within the aircraft.

Present law provides relative to the crime of unlawful use of an unmanned aircraft system.

Present law provides that present law relative to the crime of unlawful use of an unmanned aircraft system applies unless it is preempted by applicable federal law or by regulations adopted by the Federal Aviation Administration.

Proposed law deletes this provision of present law and adds that present law relative to the crime of unlawful use of an unmanned aircraft system does not apply to any person operating an unmanned aircraft system in compliance with Federal Aviation Administration (FAA) regulations or authorization or engaged in agricultural commercial operations.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:63(B) and (C) and 337(D))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide relative to federal preemption of the crime of unlawful use of an unmanned aircraft system.

##### Senate Floor Amendments to engrossed bill

1. Legislative Bureau amendments.

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Delete proposed exemption from liability for damages to an unmanned aircraft system (UAS) by the owner of the immovable property or any person lawfully on the property.

2. Delete proposed law provisions allowing certain persons to retain possession of the UAS.
3. Create exception to the crime of unlawful use of an unmanned aircraft system for "agricultural commercial operations" as defined in present law.