

## RÉSUMÉ DIGEST

ACT 539 (HB 19)

2016 Regular Session

Dwight

Existing law prohibits the use of an unmanned aircraft system to conduct surveillance of, gather evidence, collect information about, or photographically or electronically record a targeted facility without the prior written consent of the owner of any petroleum and alumina refinery, any chemical and rubber manufacturing facility, and any nuclear power electric generation facilities.

Existing law provides for the following penalties for this offense:

- (1) First offense - fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) Second or subsequent offense - fine of not less than \$500 nor more than \$2,000, imprisonment for not less than six months nor more than one year, or both.

New law retains existing law and does the following:

- (1) Adds as an element of the crime the intentional use of an unmanned aircraft system over the grounds of a state or local jail, prison, or other correctional facility that incarcerates or detains juveniles or adults without the express written consent of the person in charge of that jail, prison, or other correctional facility.
- (2) Expands existing law to prohibit the use of an unmanned aircraft system to conduct surveillance of, gather evidence, collect information about, or photographically or electronically record a school or school premises as those terms are defined in existing law (R.S. 14:40.6(B)).

New law provides for the following penalties for violations of new law relative to state or local jails, prisons, or other correctional facilities:

- (1) First offense - fine of not more than \$2,000, imprisonment for not more than six months, or both.
- (2) Second or subsequent offense - fine of not less than \$2,000 nor more than \$5,000, imprisonment with or without hard labor for not more than one year, or both.

New law further provides that the provisions of existing and new law shall not apply to:

- (1) Any person operating an unmanned aircraft vehicle or unmanned aircraft system in compliance with federal law or Federal Aviation Administration authorization or regulations.
- (2) An unmanned aircraft system used by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property which belongs to such a business.
- (3) The operation of an unmanned aircraft by institutions of higher education conducting research, extension, and teaching programs in association with university sanctioned initiatives.

Effective August 1, 2016.

(Amends R.S. 14:337(A), (D), and (E); Adds R.S. 14:337(B)(3)(d) and (4)(e))