

Regular Session, 2014

HOUSE BILL NO. 1029

BY REPRESENTATIVES TERRY LANDRY, BADON, BROWN, GUILLORY,
HODGES, HONORE, HOWARD, AND NORTON

1 AN ACT

2 To enact R.S. 14:336 and 337, relative to offenses against the public; to create the crimes of
3 unlawful aiming of a laser at an aircraft and unlawful use of an unmanned aircraft
4 system; to provide for definitions; to provide for criminal penalties; to provide for
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:336 and 337 are hereby enacted to read as follows:

8 §336. Unlawful aiming of a laser at an aircraft

9 A. "Unlawful aiming of a laser at an aircraft" is the intentional projection of
10 a laser on or at an aircraft or at the flight path of an aircraft in the aircraft jurisdiction
11 of the state of Louisiana.

12 B. For purposes of this Section, the following terms have the following
13 meanings:

14 (1) "Laser" means any device that projects a beam or point of light by means
15 of light amplification by stimulated emission of radiation or any device that emits
16 light which simulates the appearance of a laser.

17 (2) "Police officer" shall include commissioned police officers, sheriffs,
18 deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife
19 enforcement agents, and probation and parole officers.

20 C. The provisions of this Section shall not prohibit aiming of a laser at an
21 aircraft by any of the following:

22 (1) An authorized individual in the conduct of research and development or
23 flight test operations conducted by an aircraft manufacturer, the Federal Aviation

1 Administration, or any other person authorized by the Federal Aviation
 2 Administration to conduct research and development or flight test operations.

3 (2) Members or employees of the United States Department of Defense,
 4 United States Department of Homeland Security, or police officers acting in the
 5 course and scope of their official duties for the purpose of research, development,
 6 operations, testing, or training.

7 (3) A person using a laser emergency signaling device to send an emergency
 8 distress signal.

9 D.(1) Whoever commits the crime of unlawful aiming of a laser at an aircraft
 10 shall be imprisoned with or without hard labor for not less than one year nor more
 11 than five years and shall be fined two thousand dollars.

12 (2) On a conviction for a second or subsequent offense, the offender shall be
 13 imprisoned with or without hard labor for not less than two years nor more than ten
 14 years and shall be fined four thousand dollars.

15 §337. Unlawful use of an unmanned aircraft system

16 A. Unlawful use of an unmanned aircraft system is the intentional use of an
 17 unmanned aircraft system to conduct surveillance of, gather evidence or collect
 18 information about, or photographically or electronically record a targeted facility
 19 without the prior written consent of the owner of the targeted facility.

20 B. As used in this Section, the following definitions shall apply:

21 (1) "Unmanned aircraft system" means an unmanned, powered aircraft that
 22 does not carry a human operator, can be autonomous or remotely piloted or operated,
 23 and can be expendable or recoverable. "Unmanned aircraft system" does not include
 24 any of the following:

25 (a) A satellite orbiting the earth.

26 (b) An unmanned aircraft system used by the federal government or a person
 27 who is acting pursuant to contract with the federal government to conduct
 28 surveillance of specific activities.

1 (c) An unmanned aircraft system used by the state government or a person
 2 who is acting pursuant to a contract with the state government to conduct
 3 surveillance of specific activities.

4 (d) An unmanned aircraft system used by a local government law
 5 enforcement agency or fire department.

6 (2) "Targeted facility" means the following systems:

7 (a) Petroleum and alumina refineries.

8 (b) Chemical and rubber manufacturing facilities.

9 (c) Nuclear power electric generation facilities.

10 (3) "Federal government" means the United States of America and any
 11 department, agency, or instrumentality thereof.

12 (4) "State government" means the state of Louisiana and any department,
 13 agency, or instrumentality thereof.

14 C.(1) Nothing in this Section shall prohibit a person from using an unmanned
 15 aircraft system to conduct surveillance of, gather evidence or collect information
 16 about, or photographically or electronically record his own property that is either of
 17 the following:

18 (a) Located on his own immovable property.

19 (b) Located on immovable property owned by another under a valid lease,
 20 servitude, right-of-way, right of use, permit, license, or other right.

21 (2) Third persons retained by the owner of the property described in
 22 Paragraph (1) of this Subsection shall not be prohibited under this Section from using
 23 an unmanned aircraft system to conduct activities described in Paragraph (1) of this
 24 Subsection.

25 D. The provisions of this Section shall apply unless preempted by applicable
 26 federal law or by regulations adopted by the Federal Aviation Administration.

27 E.(1) Whoever commits the crime of unlawful use of an unmanned aircraft
 28 system shall be fined not more than five hundred dollars, or imprisoned for not more
 29 than six months, or both.

1 (2) On a conviction for a second or subsequent offense, the offender shall be
 2 fined not less than five hundred dollars nor more than two thousand dollars, or
 3 imprisoned, with or without hard labor, for not less than six months nor more than
 4 one year, or both.

5 F. The provisions of this Section shall not apply to unmanned aircraft
 6 systems used for motion picture, television, or similar production where the filming
 7 is authorized by the property owner.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____