

2016 Regular Session

SENATE BILL NO. 141

BY SENATOR CLAITOR

CRIME/PUNISHMENT. Provides relative to crimes involving the use of unmanned aircraft systems. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:63(B) and (C) and 337(D), relative to crimes involving  
3 unmanned aircraft systems; to provide that surveillance by an unmanned aircraft  
4 constitutes criminal trespass under certain circumstances; to provide relative to  
5 federal preemption of the crime of unlawful use of an unmanned aircraft system; to  
6 provide definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:63(B) and (C) and 337(D) are hereby amended and reenacted to  
9 read as follows:

10 §63. Criminal trespass

11 \* \* \*

12 B.(1) No person shall enter upon immovable property owned by another  
13 without express, legal, or implied authorization.

14 **(2) For purposes of this Subsection:**

15 **(a) The phrase "enter on immovable property" as used in this**  
16 **Subsection, in addition to its common meaning, signification, and connotation,**  
17 **shall include the operation of an unmanned aircraft system in the air space over**

1 immovable property owned by another with the intent to conduct surveillance  
2 of the property or of any individual lawfully on the property.

3 (b) "Unmanned aircraft system" (UAS) means an aircraft that is  
4 operated without the possibility of direct human intervention from on or within  
5 the aircraft.

6 (c) The provisions of any other law notwithstanding, neither the owner  
7 of the real property nor any person lawfully on the property shall be answerable  
8 in damages to the owner of any UAS that is captured or disabled while being  
9 operated in violation of this Subsection. The property owner or any person  
10 lawfully on the property may retain possession of any UAS that is captured or  
11 disabled while being operated in violation of this Subsection without liability to  
12 the owner of the UAS.

13 C.(1) No person shall remain in or upon property, movable or immovable,  
14 owned by another without express, legal, or implied authorization.

15 (2) For purposes of this Subsection:

16 (a) The phrase "remain upon property" as used in this Subsection, in  
17 addition to its common meaning, signification, and connotation, shall include  
18 the operation of an unmanned aircraft system in the air space over immovable  
19 property owned by another with the intent to conduct surveillance of the  
20 property or of any individual lawfully on the property.

21 (b) "Unmanned aircraft system" (UAS) means an aircraft that is  
22 operated without the possibility of direct human intervention from on or within  
23 the aircraft.

24 (c) The provisions of any other law notwithstanding, neither the owner  
25 of the real property nor any person lawfully on the property shall be answerable  
26 in damages to the owner of any UAS that is captured or disabled while being  
27 operated in violation of this Subsection. The property owner or any person  
28 lawfully on the property may retain possession of any UAS that is captured or  
29 disabled while being operated in violation of this Subsection without liability to

1 **the owner of the UAS.**

2 \* \* \*

3 §337. Unlawful use of an unmanned aircraft system

4 \* \* \*

5 D. ~~The provisions of this Section shall apply unless preempted by applicable~~  
6 ~~federal law or by regulations adopted by the Federal Aviation Administration~~ **This**  
7 **Section shall not apply to any person operating an unmanned aircraft system**  
8 **in compliance with Federal Aviation Administration regulations or**  
9 **authorization.**

10 \* \* \*

11 Section 2. This Act shall become effective upon signature by the governor or, if not  
12 signed by the governor, upon expiration of the time for bills to become law without signature  
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
15 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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DIGEST

SB 141 Engrossed

2016 Regular Session

Claitor

Present law provides relative to criminal trespass.

Present law 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 on immovable property" and "remain 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.

Proposed law provides that neither the owner of the real property nor any person lawfully on the property is answerable in damages to the owner of any UAS that is captured or disabled while being operated in violation of proposed law. Proposed law further provides that the property owner or any person lawfully on the property may retain possession of any

UAS that is captured or disabled while being operated in violation of proposed law without liability to the owner of the UAS.

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.

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.