
The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 141 Reengrossed

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 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.

Proposed law provides that neither the owner of the immovable 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.

Senate Floor Amendments to engrossed bill

1. Legislative Bureau amendments.