

2016 Regular Session

HOUSE BILL NO. 19

BY REPRESENTATIVE DWIGHT

CRIME: Prohibits use of an unmanned aircraft system to conduct surveillance or collect information about a school, school premises, or correctional facilities

1 AN ACT

2 To amend and reenact R.S. 14:337(A), (D), and (E) and to enact R.S. 14:337(B)(3)(d) and
3 (4)(e), relative to unlawful use of an unmanned aircraft system; to prohibit use of an
4 unmanned aircraft system to conduct surveillance of, gather evidence or collect
5 information about, or photographically or electronically record a school, school
6 premises, or correctional facilities; to provide with respect to elements of the crime;
7 to provide for exceptions; to provide for applicability; to provide criminal penalties;
8 to provide relative to the definitions of school and school premises; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:337(A), (D), and (E) are hereby amended and reenacted and R.S.
12 14:337(B)(3)(d) and (4)(e) are hereby enacted to read as follows:

13 §337. Unlawful use of an unmanned aircraft system

14 A. Unlawful use of an unmanned aircraft system is either of the following:

15 ~~the~~

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

1 (2) The intentional use of an unmanned aircraft system over the grounds of
2 a state or local jail, prison, or other correctional facility that incarcerates or detains
3 juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent
4 for violations of criminal law without the express written consent of the person in
5 charge of that state or local jail, prison, or other correctional facility.

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

7 * * *

8 (3) "Targeted facility" means the following systems:

9 * * *

10 (d) School and school premises as defined by R.S. 14:40.6(B).

11 * * *

12 (4) "Unmanned aircraft system" means an unmanned, powered aircraft that
13 does not carry a human operator, can be autonomous or remotely piloted or operated,
14 and can be expendable or recoverable. "Unmanned aircraft system" does not include
15 any of the following:

16 * * *

17 (e) An unmanned aircraft system used by a person, affiliate, employee,
18 agent, or contractor of any business which is regulated by the Louisiana Public
19 Service Commission or by a local franchising authority or the Federal
20 Communication Commission under the Cable Reregulation Act of 1992 or of a
21 municipal or public utility, while acting in the course and scope of his employment
22 or agency relating to the operation, repair, or maintenance of a facility, servitude, or
23 any property located on the immovable property which belongs to such a business.

24 * * *

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~~ not
27 apply to any of the following:

refinery, any chemical and rubber manufacturing facility, and any nuclear power electric generation facilities.

Present 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.

Proposed law retains present law and adds as an element of 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 state or local jail, prison, or other correctional facility as an element of the crime.

Proposed law adds penalties as follows for violations of present law involving those 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.

Proposed law expands present 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.

Provides that proposed 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 PSC or by a local franchising authority or the FCC under the Cable Reregulation 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.

Proposed law defines "school" as any public or nonpublic elementary, secondary, high school, vocational-technical school, college, special, or postsecondary school or institution, or university in this state; and defines "school premises" as any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

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

Summary of Amendments Adopted by House

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

1. Adds use of unmanned aircraft over correctional facilities as an element of the crime and increases penalties for those offenses.
2. Adds exception for any person operating an unmanned aircraft vehicle or unmanned aircraft system in compliance with Federal Aviation Administration authorization or regulations.
3. Adds exception for PSC and FCC maintenance.

The House Floor Amendments to the engrossed bill:

1. Adds exception for unmanned aircraft operated in compliance with federal law.
2. Adds exception for the operation of an unmanned aircraft by institutions of higher education.