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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 472 Engrossed

2016 Regular Session

Claitor

Present law provides definitions applicable to various present law crimes.

Proposed law retains present law and adds that "unmanned aircraft system" means an unmanned, powered aircraft or similar instrumentality that does not carry a human operator, can be autonomous or remotely piloted or operated, and can be expendable or recoverable.

Proposed law provides that "unmanned aircraft system" does not include any of the following:

- (1) A satellite orbiting the earth.
- (2) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.
- (3) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.
- (4) An unmanned aircraft system used by a local government law enforcement agency or fire department.

Present law provides that the crime of stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress, and includes the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

Proposed law retains present law and adds that for purposes of present law the phrase "intentional and repeated uninvited presence of the perpetrator" includes the intentional and repeated uninvited presence of an unmanned aircraft system operated by the perpetrator.

Present law provides that criminal mischief is the intentional performance of any of the following acts:

- (1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property.

- (2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.
- (3) Driving of any tack, nail, spike or metal over one and one-half inch in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree.
- (4) The felling, topping, or pruning of trees or shrubs within the right-of-way of a state highway, without prior written approval of the chief engineer of the Dept. of Transportation and Development or his designated representative, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.
- (5) Giving of any false report or complaint to a sheriff, or his deputies, or to any officer of the law relative to the commission of, or an attempt to commit, a crime.
- (6) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile, or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car, or locomotive.
- (7) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has directed such person to leave the premises and to desist from the temporary possession of any part or parts of such business.
- (8) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water services.
- (9) The discharging of any firearm at a train, locomotive, or railway car.

Proposed law retains present law and adds that criminal mischief is also the performance of any of the aforementioned acts by means of an unmanned aircraft system when such act is not otherwise prohibited by present law.

Present law provides that the crime of unauthorized entry of an inhabited dwelling is the intentional entry by a person without authorization into any inhabited dwelling or other structure belonging to another and used in whole or in part as a home or place of abode by a person.

Proposed law retains present law and adds that for the purposes of present law the phrase "entry by a person" includes the operation of an unmanned aircraft system by the person.

Present law provides that the crime of unauthorized entry of a place of business is the intentional

entry by a person without authority into any structure or onto any premises, belonging to another, that is completely enclosed by any type of physical barrier that is at least six feet in height, or by a combination of any type of physical barrier that is at least six feet in height and a lake, river, bayou, or other body of water, and that is used in whole or in part as a place of business.

Proposed law retains present law and adds that for purposes of present law the phrase "entry by a person" includes the operation of an unmanned aircraft system by the person.

Present law provides that the crime of remaining in places or on land after being forbidden is committed when a person without authority goes into or upon or remains in or upon or attempts to go into or upon or remains in or upon any structure, watercraft, or any other movable or immovable property belonging to another after having been forbidden to do so, either orally or in writing, by any owner, lessee, or custodian of the property or by any other authorized person.

Proposed law retains present law and adds that the phrase "go into or upon or remain in or upon or attempt to go into or upon or remain in or upon" includes the operation of an unmanned aircraft system by the person.

Present law provides relative to the crime of unlawful use of an unmanned aircraft system, including a definition of "unmanned aircraft system" for purposes of present law.

Proposed law deletes the definition of "unmanned aircraft system" from the present law crime of unlawful use of an unmanned aircraft system in favor of the definition provided by proposed law.

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 (FAA).

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 statute or FAA regulations or authorization.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:2(A)(12), 14:40.2(A), 62.3(A), 62.4(A), 63.3(A), and 337(D); adds R.S. 14:2(A)(13) and 59(A)(10); repeals R.S. 14:337(B)(4))