

2016 Regular Session

SENATE BILL NO. 124

BY SENATOR CLAITOR

CRIME/PUNISHMENT. Creates the crime of criminal trespass by unmanned aircraft. (gov sig)

1 AN ACT

2 To enact R.S. 14:63.1, relative to criminal trespass; to create the crime of criminal trespass
3 by unmanned aircraft; to provide that the operation of an unmanned aircraft within
4 the air space over immovable property constitutes criminal trespass under certain
5 circumstances; to provide definitions; to provide penalties; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:63.1 is hereby enacted to read as follows:

9 **§63.1. Criminal trespass by unmanned aircraft**

10 **A. No person shall operate an unmanned aircraft system less than three**
11 **hundred fifty feet above ground level within the air space over immovable**
12 **property owned by another without the express permission of the owner of the**
13 **immovable property.**

14 **B. "Unmanned aircraft system" (UAS) means an aircraft that is**
15 **operated without the possibility of direct human intervention from within or on**
16 **the aircraft, including the communication links and the components that control**
17 **the unmanned aircraft.**

1 C. This Section shall not be construed to impair or limit any otherwise
2 lawful activities of law enforcement personnel or employees of governmental
3 agencies or other public or private entities that are permitted by law to enter
4 immovable property of another by operating an unmanned aircraft within the
5 air space over the immovable property.

6 D. The following penalties shall be imposed for a violation of this
7 Section:

8 (1) For the first offense, the fine shall be not less than one hundred
9 dollars and not more than five hundred dollars, or imprisonment for not more
10 than thirty days, or both.

11 (2) For the second offense, the fine shall be not less than three hundred
12 dollars and not more than seven hundred fifty dollars, or imprisonment for not
13 more than ninety days, or both.

14 (3) For the third offense and all subsequent offenses, the fine shall be not
15 less than five hundred dollars and not more than one thousand dollars, or
16 imprisonment for not less than sixty days and not more than six months, or
17 both, and forfeiture to the law enforcement authority of any unmanned aircraft
18 seized in connection with the violation.

19 (4) A person may be convicted of a second offense and any subsequent
20 offenses regardless of whether any prior conviction involved the same
21 immovable property and regardless of the time sequence of the occurrence of
22 the offenses.

23 E. Notwithstanding any other provision of law to the contrary, neither
24 the owner of the immovable property nor any person lawfully on the property
25 shall be answerable in damages to the owner of any UAS that is captured or
26 disabled while being operated in violation of this Section. The property owner
27 or any person lawfully on the property may retain possession of any UAS that
28 is captured or disabled while being operated in violation of this Section without
29 liability to the owner of the UAS.

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

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

DIGEST

SB 124 Original

2016 Regular Session

Claitor

Proposed law provides that a person cannot operate an unmanned aircraft less than 350 feet above ground level within the air space over immovable property owned by another without the express permission of the owner of the immovable property.

Proposed law defines an "unmanned aircraft system" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, including the communication links and the components that control the unmanned aircraft.

Proposed law cannot be construed to impair or limit any otherwise lawful activities of law enforcement personnel or employees of governmental agencies or other public or private entities that are permitted by present law to enter immovable property of another by operating an unmanned aircraft within the air space over the immovable property.

Proposed law provides the following penalties for the crime of criminal trespass by unmanned aircraft:

- (1) For the first offense, a fine between \$100 and \$500, imprisonment for up to 30 days, or both.
- (2) For the second offense, a fine between \$300 and \$750, imprisonment for up to 90 days, or both.
- (3) For the third offense and all subsequent offenses, a fine between \$500 and \$1,000, imprisonment for between 60 days and six months, or both, and forfeiture to the law enforcement authority of any unmanned aircraft seized in connection with the violation.

Proposed law provides that a person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same immovable property and regardless of the time sequence of the occurrence of the offenses.

Proposed law provides that the owner of the immovable property or any person lawfully on the property cannot be held 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.

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

(Adds R.S. 14:63.1)