

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 upon 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 in or upon property" as used in this Subsection,
17 in 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 immovable property nor any person lawfully on the property shall be
26 answerable in damages to the owner of any UAS that is captured or disabled
27 while being operated in violation of this Subsection. The property owner or any
28 person lawfully on the property may retain possession of any UAS that is
29 captured or disabled while being operated in violation of this Subsection

1 **without liability to 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.

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.