

HB201 INTRODUCED



1 HB201
2 TZWU591-1
3 By Representative Almond
4 RFD: Judiciary
5 First Read: 05-Feb-25



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SYNOPSIS:

Under existing law, unless given consent or otherwise exempted, a person may not operate an unmanned aircraft system (drone) within 500 horizontal feet or 200 vertical feet of a correctional facility of the Department of Corrections.

This bill would include public schools within the prohibition.

This bill would prohibit the use of an unmanned aircraft system to photograph or electronically record a public school.

This bill would prohibit the use of an unmanned aircraft system to photograph, electronically record, or otherwise observe another individual where the individual has a reasonable expectation of privacy.

This bill would also provide criminal penalties for a violation.

A BILL
TO BE ENTITLED
AN ACT

Relating to unmanned aircraft systems; to add Sections 13A-7-91.1, 13A-7-91.2, and 13A-7-91.3 to the Code of Alabama



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29 1975, to prohibit the operation of unmanned aircraft near
30 public schools under certain conditions; and to amend Section
31 2 of Act 2024-222, 2024 Regular Session, now appearing as
32 Sections 13A-7-90, 13A-7-91, 13A-7-92, 13A-7-93, 13A-7-94, and
33 13A-7-95, Code of Alabama 1975, to further provide for the
34 prohibition on the operation of an unmanned aircraft system
35 near correctional facilities and to make conforming changes.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 13A-7-91.1, 13A-7-91.2, and
38 13A-7-91.3 are added to Article 6, Chapter 7, Title 13A, Code
39 of Alabama 1975, to read as follows:

40 §13A-7-91.1

41 (a) A person may not operate an unmanned aircraft
42 system within 500 horizontal feet or 400 vertical feet of a
43 public school without the consent of the administrator of the
44 school.

45 (b) A violation of this section is a Class C
46 misdemeanor.

47 §13A-7-91.2

48 (a) A person may not photograph or electronically
49 record a public school through the operation of an unmanned
50 aircraft system that is within 500 horizontal feet or 400
51 vertical feet of the school, unless the person has the consent
52 of the administrator of the school.

53 (b) A violation of this section is a Class A
54 misdemeanor.

55 §13A-7-91.3

56 (a) A person may not knowingly operate an unmanned



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57 aircraft system to photograph, record, or otherwise observe
58 another individual where the individual has a reasonable
59 expectation of privacy.

60 (b) For purposes of this section, "reasonable
61 expectation of privacy" means a place where an individual has
62 a subjective expectation of privacy that is objectively
63 reasonable based on societal standards. The term includes, but
64 is not limited to, the individual's dwelling and fenced yard.
65 The term does not include public parks, public sidewalks, and
66 public venues.

67 (c) A violation of this section is a Class A
68 misdemeanor.

69 Section 2. Section 2 of Act 2024-222, 2024 Regular
70 Session, now appearing as Sections 13A-7-90, 13A-7-91,
71 13A-7-92, 13A-7-93, 13A-7-94, and 13A-7-95, Code of Alabama
72 1975, is amended to read as follows:

73 "§13A-7-90

74 For the purposes of this article, the following terms
75 have the following meanings:

76 (1) CORRECTIONAL FACILITY. Any of the following:

77 a. Any facility, as defined in Section 14-2-1,
78 including existing facilities and facilities in the process of
79 being constructed.

80 b. Any real property owned or leased by the Alabama
81 Department of Corrections or its contractors to the outermost
82 conspicuous physical barrier of the real property.

83 c. Any public road within 100 yards from the outermost
84 conspicuous physical barrier of real property owned or leased



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85 by the Alabama Department of Corrections or its contractors.

86 (2) OPERATE. Any of the following actions in relation
87 to an unmanned aircraft system:

88 a. Conducting flight operations.

89 b. Launching.

90 c. Landing or otherwise allowing an unmanned aircraft
91 system to make contact with any person or real or personal
92 property.

93 d. Flying.

94 e. Causing an unmanned aircraft system to drop any
95 payload.

96 f. Causing an unmanned aircraft system to deploy or
97 discharge an attached weapon, firearm, explosive, destructive
98 device, or ammunition.

99 (3) PERSON. As defined in Section 13A-7-4.3.

100 (4) PUBLIC SCHOOL. Any public K-12 school building or
101 other school property. For purposes of this subdivision,
102 "school property" does not include sixteenth section land held
103 in trust for the benefit of the school district if the land
104 does not have any school buildings and is not actively used
105 for the purpose of providing educational and recreational
106 activities to students.

107 ~~(4)~~ (5) UNMANNED AIRCRAFT SYSTEM. As defined in Section
108 13A-7-4.3."

109 "§13A-7-91

110 (a) Except as provided in subsection (b), a person may
111 not do either of the following:

112 (1) Operate an unmanned aircraft system within a



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113 horizontal distance of 500 feet or a vertical distance of
114 ~~200~~400 feet from a correctional facility;~~or~~.

115 (2) Operate an unmanned aircraft system to conduct
116 surveillance of or photograph or otherwise record images of a
117 correctional facility.

118 (b) Subsection (a) does not apply to the use of an
119 unmanned aircraft system by any of the following:

120 (1) The Alabama Department of Corrections~~;~~.

121 (2) A person authorized by federal regulations to
122 operate an unmanned aircraft system and who is operating the
123 system in a lawful manner and consistent with federal
124 regulations~~;~~.

125 (3) The Armed Forces of the United States of America~~;~~.

126 (4) The Alabama National Guard;~~or~~.

127 (5) Any of the following with prior written permission
128 from the Commissioner of the Department of Corrections:

129 a. A contractor working on behalf of the Department of
130 Corrections~~;~~.

131 b. Any state or federal law enforcement agency or
132 public safety agency responding to an emergency~~;~~.

133 c. A person engaged in official emergency functions or
134 emergency management;~~or~~.

135 d. Any state or federal public utility.

136 (c) A violation of this section is a Class C felony and
137 a person violating this section shall be fined not less than
138 two thousand five hundred dollars (\$2,500). The sentence shall
139 include a mandatory sentence, which is not subject to
140 suspension or probation, of imprisonment in the Department of



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141 Corrections or county jail for not less than 30 days."

142 "§13A-7-92

143 (a) A person may not introduce or attempt to introduce
144 any contraband, as defined in Section 13A-10-30, into a
145 correctional facility via operation of an unmanned aircraft
146 system.

147 (b) A violation of this section is a Class C felony and
148 a person violating this section shall be fined not less than
149 two thousand five hundred dollars (\$2,500). The sentence shall
150 include a mandatory sentence, which is not subject to
151 suspension or probation, of imprisonment in the Department of
152 Corrections or county jail for not less than 30 days."

153 "§13A-7-93

154 (a) A person may not introduce or attempt to introduce
155 any individual piece of an unmanned aircraft system into a
156 correctional facility.

157 (b) A violation of this section is a Class C felony and
158 a person violating this section shall be fined not less than
159 two thousand five hundred dollars (\$2,500). The sentence shall
160 include a mandatory sentence, which is not subject to
161 suspension or probation, of imprisonment in the Department of
162 Corrections or a county jail for not less than 30 days."

163 "§13A-7-94

164 (a) The Department of Corrections or appropriate law
165 enforcement agency may confiscate an unmanned aircraft system
166 and any property, weapons, and contraband attached to or
167 dropped from an unmanned aircraft system used in violation of
168 this article.



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169 (b) Any unmanned aircraft system and any property,
170 weapons, and contraband attached to or dropped from an
171 unmanned aircraft system is subject to civil forfeiture. The
172 procedure for the seizure, forfeiture, condemnation, and
173 disposition shall be the same as set out in Section 20-2-93."

174 "§13A-7-95

175 The Commissioner of the Department of Corrections shall
176 adopt ~~regulations as necessary~~rules to implement this article
177 with respect to correctional facilities."

178 Section 3. This act shall become effective on October
179 1, 2025.