

2016 Regular Session

HOUSE BILL NO. 811

BY REPRESENTATIVE ARMES

CRIME: Prohibits and provides criminal penalties for the use of unmanned aircraft in certain areas and for certain purposes

1 AN ACT

2 To enact R.S. 14:338, relative to the unlawful use of unmanned aircraft; to prohibit the use  
3 of unmanned aircraft in certain areas and for certain purposes; to provide for  
4 definitions; to provide exceptions; to provide criminal penalties; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:338 is hereby enacted to read as follows:

8 §338. Unlawful use of an unmanned aircraft

9 A.(1) No person shall operate an unmanned aircraft in the airspace directly  
10 above privately owned immovable property up to a height of three hundred fifty feet  
11 from the ground without the express or legal consent of the property owner.

12 (2)(a) No person shall operate an unmanned aircraft to conduct surveillance  
13 of, gather evidence or collect information about, or photographically or  
14 electronically record an individual or privately owned immovable property without  
15 the express or legal consent of the individual or the property owner.

16 (b) If privately owned immovable property is occupied by a person other  
17 than the property owner, no person shall operate an unmanned aircraft to conduct  
18 surveillance of, gather evidence or collect information about, or photographically or  
19 electronically record the property without the express or legal consent of both the  
20 property owner and the person occupying or residing upon the property.

1           B. For purposes of this Section, "unmanned aircraft" means an aircraft that  
2           is operated without the possibility of direct human intervention from within or on the  
3           aircraft.

4           C. The provisions of this Section do not apply to any of the following:

5           (1) A satellite orbiting the earth.

6           (2) As part of an operation, exercise, or mission of any branch of the United  
7           States military or the United States Department of Homeland Security.

8           (3) A law enforcement agency if either of the following occur:

9           (a) A warrant is issued authorizing the use of the unmanned aircraft for a  
10          specified period of time not to exceed thirty days.

11          (b) The law enforcement agency has probable cause to believe that a person  
12          has committed a crime, is committing a crime, or is about to commit a crime, and  
13          exigent circumstances exist that make it unreasonable for the law enforcement  
14          agency to obtain a warrant authorizing use of the unmanned aircraft.

15          D. The provisions of this Section shall apply unless preempted by applicable  
16          federal law or by regulations adopted by the Federal Aviation Administration.

17          E. Whoever violates the provisions of this Section shall be fined not more  
18          than five hundred dollars, imprisoned for not more than six months, or both.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 811 Original

2016 Regular Session

Armes

**Abstract:** Prohibits and provides criminal penalties for the use of unmanned aircraft in certain areas and for the purpose of conducting surveillance, gathering evidence or collecting information about, photographing, or electronically recording an individual or privately owned immovable property without consent.

Proposed law prohibits the use of unmanned aircraft as follows:

- (1) In the airspace, directly above privately owned immovable property, up to a height of 350 feet from the ground without the express or legal consent of the property owner.
- (2) To conduct surveillance of, gather evidence or collect information about, or photographically or electronically record an individual or privately owned

immovable property without the express or legal consent of the individual or the property owner; or, if the privately owned immovable property is occupied by a person other than the property owner, without the express or legal consent of both the property owner and the person occupying or residing upon the property.

Whoever violates the provisions of proposed law shall be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed law defines "unmanned aircraft" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Proposed law provides that these provisions do not apply to any of the following:

- (1) A satellite orbiting the earth.
- (2) As part of an operation, exercise, or mission of any branch of the U.S. military or the U.S. Department of Homeland Security.
- (3) A law enforcement agency if either a warrant is issued authorizing the use of the unmanned aircraft or the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime, or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing use of the unmanned aircraft.

(Adds R.S. 14:338)