

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1489

6 By: Bergstrom and Rosino

7 COMMITTEE SUBSTITUTE

8 An Act relating to crime and punishment; providing  
9 for certain unlawful actions; providing definitions;  
10 providing for penalties; providing for codification;  
11 providing an effective date; and declaring an  
12 emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2200 of Title 21, unless there  
16 is created a duplication in numbering, reads as follows:

17 All crimes committed by use of an unmanned aircraft system while  
18 in flight over this state shall be governed by the laws of this  
19 state, and the question of whether the activity of an unmanned  
20 aircraft system constitutes a crime by the owner of the unmanned  
21 aircraft system shall be determined by the laws of this state.

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2201 of Title 21, unless there  
24 is created a duplication in numbering, reads as follows:

1 As used in Sections 3 through 5 of this act:

2 1. "Manned aircraft" means an aircraft, as defined in Section  
3 82 of Title 3 of the Oklahoma Statutes, that is operated with a  
4 person in or on the aircraft;

5 2. "Unmanned aircraft" means an aircraft, as defined in Section  
6 82 of Title 3 of the Oklahoma Statutes, that is operated without the  
7 possibility of human intervention from within or on the aircraft;

8 3. "Unmanned aircraft system" means an unmanned aircraft and  
9 associated elements including communication links and components  
10 that control the unmanned aircraft that are required for the pilot  
11 in command to operate safely and efficiently in the national  
12 airspace system; and

13 4. "Weapon" means any object capable of inflicting serious  
14 bodily injury or death when used as a weapon.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 2202 of Title 21, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. It shall be unlawful to willingly damage, disrupt the  
19 operation of or otherwise interfere with a manned aircraft through  
20 the use of an unmanned aircraft system, while the manned aircraft is  
21 taking off, landing, in flight or otherwise in motion.

22 B. Any person who violates the provision of this section, upon  
23 conviction, shall be guilty of a felony and punished by imprisonment  
24 in the custody of the Department of Corrections for not more than

1 two (2) years or by a fine of not more than Two Thousand Dollars  
2 (\$2,000.00), or by such fine and imprisonment.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2203 of Title 21, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. It shall be unlawful for any person to possess or use an  
7 unmanned aircraft, as defined in Section 2 of this act, that has an  
8 attached weapon.

9 B. It shall be unlawful for any person to fish or hunt using an  
10 unmanned aircraft.

11 C. It shall be unlawful to use an unmanned aircraft system to  
12 intentionally interfere with the lawful taking of wildlife or to  
13 drive, harass or intentionally disrupt any wildlife for the purpose  
14 of disturbing the lawful taking of wildlife.

15 D. Any person who violates the provisions of subsection A of  
16 this section, upon conviction, shall be guilty of a felony  
17 punishable by imprisonment in the custody of the Department of  
18 Corrections for not more than two (2) years or by a fine of not more  
19 than Two Thousand Dollars (\$2,000.00), or by such fine and  
20 imprisonment.

21 E. Any person who violates the provision of subsection B or C  
22 of this section, upon conviction, shall be guilty of a misdemeanor  
23 punishable by a fine of not more than Five Hundred Dollars  
24 (\$500.00).

1 F. This section shall not prohibit possession or usage of an  
2 unmanned aircraft or unmanned aircraft system that is authorized by  
3 federal law or regulation.

4 SECTION 5. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2204 of Title 21, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. It shall be unlawful to publish or disseminate, for any  
8 purpose, recorded images taken by a person or nonlaw enforcement  
9 entity through the use of infrared or other similar thermal imaging  
10 technology attached to an unmanned aircraft, as defined in Section 1  
11 of this act, and revealing individuals, materials or activities  
12 inside of a structure without the consent of the property owner.

13 B. Any person who violates the provisions of this section, upon  
14 conviction, shall be guilty of a misdemeanor punishable by  
15 imprisonment in the county jail for not more than one (1) year or by  
16 a fine of One Thousand Dollars (\$1,000.00), or by such fine and  
17 imprisonment.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2205 of Title 21, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. No unmanned aircraft system may be launched or recovered  
22 from any federal, state or private property without consent.

23 B. No unmanned aircraft system may be launched or recovered  
24 from any property within one and a half miles of the centerline of a

1 runway on an installation owned by the Department of Defense except  
2 if the unmanned aircraft system is operated by the Department of  
3 Defense or a person under contract with or otherwise acting under  
4 the direction of the Department of Defense.

5 C. Any municipality may adopt an ordinance to regulate the use  
6 of local government property for the launch and recovery of unmanned  
7 aircraft systems.

8 D. Any person who violates subsections A or B of this section  
9 shall, upon conviction, be guilty of a misdemeanor punishable by a  
10 fine of Five Hundred Dollars (\$500.00).

11 SECTION 7. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2206 of Title 21, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. No person, entity or state agency shall use an unmanned  
15 aircraft system within a horizontal distance of five hundred (500)  
16 feet, or vertical distance of four hundred (400) feet from any jail,  
17 or state or federal correctional institution. For the purpose of  
18 this section, the horizontal distance shall extend outward from the  
19 furthest exterior boundary of the jail or correctional institution.

20 B. Unless the use of the unmanned aircraft system is otherwise  
21 prohibited under federal or state law, the restrictions of  
22 subsection A of this section do not apply to the following:  
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1 1. A person operating an unmanned aircraft system with written  
2 consent from the official in charge of the jail or correctional  
3 institution;

4 2. A law enforcement officer using an unmanned aircraft system  
5 in accordance with Sections 3 and 4 of Enrolled Senate Bill NO. 1896  
6 of the 2nd Session of the 57th Oklahoma Legislature;

7 3. An emergency management agency, emergency medical services  
8 personnel, firefighters and law enforcement officers, when using an  
9 unmanned aircraft system in response to an emergency; or

10 4. A public utility or commercial operator provided that the  
11 public utility or commercial operator complies with the following:

12 a. the unmanned aircraft system must not be used within  
13 either a horizontal distance of one hundred fifty  
14 (150) feet, or within a vertical distance of one  
15 hundred fifty (150) feet from any jail or correctional  
16 institution,

17 b. notifies the official in charge of the jail or  
18 correctional institution at least twenty-four (24)  
19 hours prior to the operation of the unmanned aircraft  
20 system. A commercial entity operating in compliance  
21 with Sections 3 and 4 of Enrolled Senate Bill NO. 1896  
22 of the 2nd Session of the 57th Oklahoma Legislature  
23 and pursuant to the provisions of this subsection is  
24 exempt from the twenty-four-hour-notice requirement,

1 c. uses the unmanned aircraft system for the purpose of  
2 inspecting public utility transmission lines,  
3 equipment or communication infrastructure or for  
4 another purpose directly related to the business of  
5 the public utility or commercial entity,

6 d. uses the unmanned aircraft system for commercial  
7 purposes pursuant to and in compliance with Federal  
8 Aviation Administration regulations, authorizations,  
9 or exemptions and Sections 3 and 4 of Enrolled Senate  
10 Bill NO. 1896 of the 2nd Session of the 57th Oklahoma  
11 Legislature, and

12 e. the person operating the unmanned aircraft system does  
13 not physically enter the prohibited space without an  
14 escort from the facility.

15 C. The following penalties apply for violations of this  
16 section:

17 1. Any person who uses an unmanned aircraft system in violation  
18 of subsection A of this section or pursuant to an exception  
19 subsection B of this section, and who delivers, or attempts to  
20 deliver, a weapon to a jail or correctional institution shall, upon  
21 conviction, be guilty of a felony and punished by imprisonment in  
22 the custody of the Department of Corrections for a term of not less  
23 than one (1) year nor more than five (5) years, or by a fine of not  
24

1 less than One Hundred Dollars (\$100.00) nor more than One Thousand  
2 Dollars (\$1,000.00), or by both such fine and imprisonment;

3 2. Any person who uses an unmanned aircraft system in violation  
4 of subsection A of this section or pursuant to an exception  
5 subsection B of this section, and who delivers, or attempts to  
6 deliver, contraband to a jail or correctional institution shall,  
7 upon conviction, be guilty of a misdemeanor punishable by  
8 imprisonment in the county jail not to exceed one (1) year, or by a  
9 fine not exceeding Five Hundred Dollars (\$500.00), or by both such  
10 fine and imprisonment; and

11 3. A person who uses an unmanned aircraft system in violation  
12 of subsection A of this section shall, upon conviction, be guilty of  
13 a misdemeanor punishable by a fine of not more than Five Hundred  
14 Dollars (\$500.00).

15 SECTION 8. This act shall become effective July 1, 2020.

16 SECTION 9. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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