

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1489

6 By: Bergstrom and Rosino

7 [crime and punishment - unlawful actions - penalties
8 - codification - effective date -
9 emergency]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 As used in Sections 3 through 5 of this act:
24

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

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

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

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

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

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

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

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:

23

24

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.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 February 26, 2020 - DO PASS
22
23
24