

1 ENGROSSED SENATE
2 BILL NO. 1489

By: Bergstrom and Rosino of the
Senate

3 and

4 Wright of the House
5

6 An Act relating to crime and punishment; providing
7 definitions; providing for certain unlawful actions;
8 providing for penalties; restricting certain actions
9 without consent; allowing certain ordinance adoption;
10 providing for certain criminal offense; prohibiting
11 certain use; providing for penalties; providing for
12 codification; providing an effective date; and
13 declaring an emergency.

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

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

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

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

As used in Sections 3 through 5 of this act:

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 and

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.

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

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

20 B. Any person who violates the provision of this section, upon
21 conviction, shall be guilty of a felony and punished by imprisonment
22 in the custody of the Department of Corrections for not more than
23 two (2) years, or by a fine of not more than Two Thousand Dollars
24 (\$2,000.00), or by both such fine and imprisonment.

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

4 A. It shall be unlawful for any person to possess or use an
5 unmanned aircraft system, as defined in Section 2 of this act, that
6 has an attached gun, knife, bomb or other dangerous instrument.

7 B. It shall be unlawful for any person to fish or hunt using an
8 unmanned aircraft system.

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

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

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

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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 recorded
8 images intentionally taken by a person or non-governmental entity
9 through the use of infrared or other similar thermal imaging
10 technology for the purpose of revealing individuals, materials or
11 activities inside of a structure without the consent of the property
12 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 two miles of the centerline of a runway on

1 an installation owned by the Department of Defense except if the
2 unmanned aircraft system's pre-coordinated launch or recovery is by
3 a law enforcement or governmental entity, or Department of Defense
4 personnel conducting official business, or by a person under
5 contract with or otherwise acting under the direction of those
6 entities.

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

10 D. Subsection A shall not apply to any law enforcement or
11 governmental entity conducting testing, or research and development,
12 operating an unmanned aircraft system pursuant to and in compliance
13 with applicable law.

14 E. Any person who violates subsection A or B of this section
15 shall, upon conviction, be guilty of a misdemeanor punishable by a
16 fine of Five Hundred Dollars (\$500.00).

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

20 A. No person or private entity shall use an unmanned aircraft
21 system within a horizontal distance of five hundred (500) feet, or
22 vertical distance of four hundred (400) feet from any jail, or state
23 or federal correctional institution. For the purpose of this
24

1 section, the horizontal distance shall extend outward from the
2 furthest exterior boundary of the jail or correctional institution.

3 B. Unless the use of the unmanned aircraft system is otherwise
4 prohibited under federal or state law, the restrictions of
5 subsection A of this section do not apply to the following:

6 1. A person operating an unmanned aircraft system with written
7 consent from the official in charge of the jail or correctional
8 institution;

9 2. Any law enforcement entity operating an unmanned aircraft
10 system pursuant to and in compliance with applicable law;

11 3. Any law enforcement officer acting within the officer's
12 official capacity;

13 4. An emergency management agency, emergency medical services
14 personnel, firefighters and law enforcement officers, when using an
15 unmanned aircraft system in response to an emergency; or

16 5. A public utility or commercial operator; provided, that the
17 public utility or commercial operator complies with the following:

18 a. the unmanned aircraft system must not be used within
19 either a horizontal distance of one hundred fifty
20 (150) feet, or within a vertical distance of one
21 hundred fifty (150) feet from any jail or correctional
22 institution,

23 b. notifies the official in charge of the jail or
24 correctional institution at least twenty-four (24)

1 hours prior to the operation of the unmanned aircraft
2 system. A commercial operator using an unmanned
3 aircraft system pursuant to and in compliance with
4 applicable law is exempt from the twenty-four (24)
5 hour notice requirement,

6 c. uses the unmanned aircraft system for the purpose of
7 inspecting public utility transmission lines,
8 equipment or communication infrastructure or for
9 another purpose directly related to the business of
10 the public utility or commercial entity,

11 d. uses the unmanned aircraft system for commercial
12 purposes pursuant to and in compliance with applicable
13 law, and

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

17 C. The following penalties apply for violations of this
18 section:

19 1. Any person who uses an unmanned aircraft system in violation
20 of subsection A of this section not pursuant to an exception under
21 subsection B of this section, and who delivers, or attempts to
22 deliver, a gun, knife, bomb or other dangerous instrument, any
23 controlled dangerous substance, as defined by Section 2-101 et seq.
24 of Title 63 of the Oklahoma Statutes, any alcoholic beverage or low-

1 point beer as defined by Section 1-103 of Title 37A of the Oklahoma
2 Statutes, money or financial documents for a person other than the
3 inmate or a spouse of the inmate including but not limited to tax
4 returns, to a jail or correctional institution shall, upon
5 conviction, be guilty of a felony and punished by imprisonment in
6 the custody of the Department of Corrections for a term of not less
7 than one (1) year nor more than five (5) years, or by a fine of not
8 less than One Hundred Dollars (\$100.00) nor more than One Thousand
9 Dollars (\$1,000.00), or by both such fine and imprisonment; and

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

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

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

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1 Passed the Senate the 11th day of March, 2020.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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8 _____
9 Presiding Officer of the House
10 of Representatives