

**ACT No. 539**

2016 Regular Session

HOUSE BILL NO. 19

BY REPRESENTATIVE DWIGHT

1 AN ACT

2 To amend and reenact R.S. 14:337(A), (D), and (E) and to enact R.S. 14:337(B)(3)(d) and  
3 (4)(e), relative to unlawful use of an unmanned aircraft system; to prohibit use of an  
4 unmanned aircraft system to conduct surveillance of, gather evidence or collect  
5 information about, or photographically or electronically record a school, school  
6 premises, or correctional facilities; to provide with respect to elements of the crime;  
7 to provide for exceptions; to provide for applicability; to provide criminal penalties;  
8 to provide relative to the definitions of school and school premises; and to provide  
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:337(A), (D), and (E) are hereby amended and reenacted and R.S.  
12 14:337(B)(3)(d) and (4)(e) are hereby enacted to read as follows:

13 §337. Unlawful use of an unmanned aircraft system

14 A. Unlawful use of an unmanned aircraft system is either of the following:  
15 ~~the~~

16 (1) The intentional use of an unmanned aircraft system to conduct  
17 surveillance of, gather evidence or collect information about, or photographically or  
18 electronically record a targeted facility without the prior written consent of the owner  
19 of the targeted facility.

20 (2) The intentional use of an unmanned aircraft system over the grounds of  
21 a state or local jail, prison, or other correctional facility that incarcerates or detains  
22 juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent

1 for violations of criminal law without the express written consent of the person in  
2 charge of that state or local jail, prison, or other correctional facility.

3 B. As used in this Section, the following definitions shall apply:

4 \* \* \*

5 (3) "Targeted facility" means the following systems:

6 \* \* \*

7 (d) School and school premises as defined by R.S. 14:40.6(B).

8 \* \* \*

9 (4) "Unmanned aircraft system" means an unmanned, powered aircraft that  
10 does not carry a human operator, can be autonomous or remotely piloted or operated,  
11 and can be expendable or recoverable. "Unmanned aircraft system" does not include  
12 any of the following:

13 \* \* \*

14 (e) An unmanned aircraft system used by a person, affiliate, employee,  
15 agent, or contractor of any business which is regulated by the Louisiana Public  
16 Service Commission or by a local franchising authority or the Federal  
17 Communications Commission under the Cable Television Consumer Protection and  
18 Competition Act of 1992 or of a municipal or public utility, while acting in the  
19 course and scope of his employment or agency relating to the operation, repair, or  
20 maintenance of a facility, servitude, or any property located on the immovable  
21 property which belongs to such a business.

22 \* \* \*

23 D. The provisions of this Section shall ~~apply unless preempted by applicable~~  
24 ~~federal law or by regulations adopted by the Federal Aviation Administration~~ not  
25 apply to any of the following:

26 (1) Any person operating an unmanned aircraft vehicle or unmanned aircraft  
27 system in compliance with federal law or Federal Aviation Administration  
28 authorization or regulations.

1                 (2) The operation of an unmanned aircraft by institutions of higher education  
 2                 conducting research, extension, and teaching programs in association with university  
 3                 sanctioned initiatives.

4                     E.(1) Whoever commits the crime of unlawful use of an unmanned aircraft  
 5                     system as provided in Paragraph (A)(1) of this Section shall be fined not more than  
 6                     five hundred dollars, or imprisoned for not more than six months, or both.

7                     (2) On a conviction for a second or subsequent offense as provided in  
 8                     Paragraph (A)(1) of this Section, the offender shall be fined not less than five  
 9                     hundred dollars nor more than two thousand dollars, or imprisoned, with or without  
 10                    hard labor, for not less than six months nor more than one year, or both.

11                    (3) Whoever commits the crime of unlawful use of an unmanned aircraft  
 12                    system as provided in Paragraph (A)(2) of this Section shall be fined not more than  
 13                    two thousand dollars, or imprisoned for not more than six months, or both.

14                    (4) On a conviction for a second or subsequent offense as provided in  
 15                    Paragraph (A)(2) of this Section, the offender shall be fined not less than two  
 16                    thousand dollars nor more than five thousand dollars, or imprisoned, with or without  
 17                    hard labor, for not more than one year, or both.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_