

SENATE BILL NO. 141

BY SENATOR CLAITOR

1 AN ACT

2 To amend and reenact R.S. 14:63(B) and (C) and 337(D), relative to crimes involving
3 unmanned aircraft systems; to provide that surveillance by an unmanned aircraft
4 constitutes criminal trespass under certain circumstances; to provide relative to
5 federal preemption of the crime of unlawful use of an unmanned aircraft system; to
6 provide definitions; to provide exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:63(B) and (C) and 337(D) are hereby amended and reenacted to
9 read as follows:

10 §63. Criminal trespass

11 * * *

12 B.(1) No person shall enter upon immovable property owned by another
13 without express, legal, or implied authorization.

14 (2) For purposes of this Subsection, the phrase "enter upon immovable
15 property" as used in this Subsection, in addition to its common meaning,
16 signification, and connotation, shall include the operation of an unmanned
17 aircraft system as defined by R.S. 14:337 in the air space over immovable
18 property owned by another with the intent to conduct surveillance of the
19 property or of any individual lawfully on the property.

20 (3) The provisions of Paragraph (1) of this Subsection shall not apply to
21 any person operating an unmanned aircraft system in compliance with federal
22 law or Federal Aviation Administration regulations or authorization.

23 C.(1) No person shall remain in or upon property, movable or immovable,
24 owned by another without express, legal, or implied authorization.

25 (2) For purposes of this Subsection, the phrase "remain in or upon
26 property" as used in this Subsection, in addition to its common meaning,
27 signification, and connotation, shall include the operation of an unmanned

1 aircraft system as defined by R.S. 14:337 in the air space over immovable
2 property owned by another with the intent to conduct surveillance of the
3 property or of any individual lawfully on the property.

4 (3) The provisions of Paragraph (1) of this Subsection shall not apply to
5 any person operating an unmanned aircraft system in compliance with federal
6 law or Federal Aviation Administration regulations or authorization.

7 * * *

8 §337. Unlawful use of an unmanned aircraft system

9 * * *

10 ~~D. The provisions of this Section shall apply unless preempted by applicable~~
11 ~~federal law or by regulations adopted by the Federal Aviation Administration~~ **This**
12 **Section shall not apply to any person operating an unmanned aircraft system**
13 **in compliance with federal law or Federal Aviation Administration regulations**
14 **or authorization, or to any person engaged in commercial agricultural**
15 **operations as defined in R.S. 3:41.**

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____