
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 124 Original

2016 Regular Session

Claitor

Proposed law provides that a person cannot operate an unmanned aircraft less than 350 feet above ground level within the air space over immovable property owned by another without the express permission of the owner of the immovable property.

Proposed law defines an "unmanned aircraft system" as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, including the communication links and the components that control the unmanned aircraft.

Proposed law cannot be construed to impair or limit any otherwise lawful activities of law enforcement personnel or employees of governmental agencies or other public or private entities that are permitted by present law to enter immovable property of another by operating an unmanned aircraft within the air space over the immovable property.

Proposed law provides the following penalties for the crime of criminal trespass by unmanned aircraft:

- (1) For the first offense, a fine between \$100 and \$500, imprisonment for up to 30 days, or both.
- (2) For the second offense, a fine between \$300 and \$750, imprisonment for up to 90 days, or both.
- (3) For the third offense and all subsequent offenses, a fine between \$500 and \$1,000, imprisonment for between 60 days and six months, or both, and forfeiture to the law enforcement authority of any unmanned aircraft seized in connection with the violation.

Proposed law provides that a person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same immovable property and regardless of the time sequence of the occurrence of the offenses.

Proposed law provides that the owner of the immovable property or any person lawfully on the property cannot be held answerable in damages to the owner of any UAS that is captured or disabled while being operated in violation of proposed law. Proposed law further provides that the property owner or any person lawfully on the property may retain possession of any UAS that is captured or disabled while being operated in violation of proposed law without liability to the owner of the UAS.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:63.1)