

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 194

AN ACT

To amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the unlawful use of unmanned aircraft, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapters 217 and 632, RSMo, are amended by
2 adding thereto two new sections, to be known as sections 217.850
3 and 632.460, to read as follows:

4 217.850. 1. A person commits the offense of unlawful use
5 of unmanned aircraft near a correctional center if he or she
6 purposely:

7 (1) Operates an unmanned aircraft within a vertical
8 distance of three hundred feet or a horizontal distance of the
9 property line of the correctional center; or

10 (2) Uses an unmanned aircraft to deliver to a person in the
11 custody of a correctional center any object described in
12 subdivisions (1) or (3) of subsection 6 of this section.

13 2. For the purposes of subsection 1 of this section, a
14 vertical distance extends from ground level.

15 3. For purposes of this section, the term "correctional
16 center" shall include:

17 (1) Any correctional center as defined in section 217.010;

1 (2) Any private jail as defined in section 221.095;

2 (3) Any county or municipal jail.

3 4. The provisions of this section shall not prohibit the
4 operation of an unmanned aircraft by:

5 (1) An employee of the correctional center at the direction
6 of the chief administrative officer of the facility;

7 (2) A person who has written consent from the chief
8 administrative officer of the facility;

9 (3) An employee of a law enforcement agency, fire
10 department, or emergency medical service in the exercise of
11 official duties;

12 (4) A government official or employee in the exercise of
13 official duties;

14 (5) A public utility or a rural electric cooperative if:

15 (a) The unmanned aircraft is used for the purpose of
16 inspecting, repairing, or maintaining utility transmission,
17 distribution lines, other utility equipment, or infrastructure;

18 (b) The utility notifies the correctional center at least
19 twenty-four hours before flying the unmanned aircraft, except
20 during an emergency; and

21 (c) The person operating the unmanned aircraft does not
22 physically enter the prohibited space without an escort provided
23 by the correctional center; or

24 (6) An employee of a railroad in the exercise of official
25 duties on any land owned or operated by a railroad corporation
26 regulated by the Federal Railroad Administration.

27 5. Each correctional center shall post a sign warning of
28 the provisions of this section. The sign shall be at least

1 eleven inches by fourteen inches and posted in a conspicuous
2 place.

3 6. The offense of unlawful use of unmanned aircraft near a
4 correctional center shall be punished as a:

5 (1) Class B felony, if the person operating the unmanned
6 aircraft was delivering a gun, knife, weapon, or other article
7 that may be used in such a manner as to endanger the life of an
8 offender or correctional center employee; or

9 (2) Class C felony, if the person operating the unmanned
10 aircraft was facilitating an escape from confinement under
11 section 575.210; or

12 (3) Class D felony, if the person operating the unmanned
13 aircraft was delivering a controlled substance, as defined under
14 chapter 195.

15 632.460. 1. A person commits the offense of unlawful use
16 of an unmanned aircraft near a mental health hospital if he or
17 she purposely:

18 (1) Operates an unmanned aircraft within a vertical
19 distance of three hundred feet or a horizontal distance of the
20 property line of the mental health hospital; or

21 (2) Uses an unmanned aircraft to deliver to a person
22 confined in a mental health hospital any object described in
23 subdivisions (1) or (3) of subsection 6 of this section.

24 2. For the purposes of subsection 1 of this section, a
25 vertical distance extends from ground level.

26 3. For the purposes of this section, "mental health
27 hospital" shall mean a facility operated by the department of
28 mental health to provide inpatient evaluation, treatment, or care

1 to persons suffering from a mental disorder, as defined under
2 section 630.005, mental illness, as defined under section
3 630.005, or mental abnormality, as defined under section 632.480.

4 4. The provisions of this section shall not prohibit the
5 operation of an unmanned aircraft by:

6 (1) An employee of the mental health hospital at the
7 direction of the chief administrative officer of the hospital;

8 (2) A person who has written consent from the chief
9 administrative officer of the hospital;

10 (3) An employee of a law enforcement agency, fire
11 department, or emergency medical service in the exercise of
12 official duties;

13 (4) A government official or employee in the exercise of
14 official duties;

15 (5) A public utility or a rural electric cooperative if:

16 (a) The unmanned aircraft is used for the purpose of
17 inspecting, repairing, or maintaining utility transmission,
18 distribution lines, other utility equipment, or infrastructure;

19 (b) The utility notifies the mental health hospital at
20 least twenty-four hours before flying the unmanned aircraft,
21 except during an emergency; and

22 (c) The person operating the unmanned aircraft does not
23 physically enter the prohibited space without an escort provided
24 by the mental health hospital; or

25 (6) An employee of a railroad in the exercise of official
26 duties on any land owned or operated by a railroad corporation
27 regulated by the Federal Railroad Administration.

28 5. Each mental health hospital shall post a sign warning of

1 the provisions of this section. The sign shall be at least
2 eleven inches by fourteen inches and posted in a conspicuous
3 place.

4 6. The offense of unlawful use of an unmanned aircraft near
5 a mental health hospital shall be punished as a:

6 (1) Class B felony, if the person operating the unmanned
7 aircraft was delivering a gun, knife, weapon, or other article
8 that may be used in such a manner as to endanger the life of a
9 patient or mental health hospital employee; or

10 (2) Class C felony, if the person operating the unmanned
11 aircraft was facilitating an escape from commitment or detention
12 under section 575.195; or

13 (3) Class D felony, if the person operating the unmanned
14 aircraft was delivering a controlled substance, as defined under
15 chapter 195.