

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 194**  
100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HOSKINS.

Offered February 27, 2019.

Senate Substitute No. 2 adopted February 27, 2019.

Taken up for Perfection February 27, 2019. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

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**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.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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

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

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

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

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

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

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

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

**(3) Any county or municipal jail.**

**4. The provisions of this section shall not prohibit the operation**

17 of an unmanned aircraft by:

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

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

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

24 (4) A government official or employee in the exercise of official  
25 duties;

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

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

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

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

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

39 5. Each correctional center shall post a sign warning of the  
40 provisions of this section. The sign shall be at least eleven inches by  
41 fourteen inches and posted in a conspicuous place.

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

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

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

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

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

3           **(1) Operates an unmanned aircraft within a vertical distance of**  
4 **three hundred feet or a horizontal distance of the property line of the**  
5 **mental health hospital; or**

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

9           **2. For the purposes of subsection 1 of this section, a vertical**  
10 **distance extends from ground level.**

11           **3. For the purposes of this section, "mental health hospital" shall**  
12 **mean a facility operated by the department of mental health to provide**  
13 **inpatient evaluation, treatment, or care to persons suffering from a**  
14 **mental disorder, as defined under section 630.005, mental illness, as**  
15 **defined under section 630.005, or mental abnormality, as defined under**  
16 **section 632.480.**

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

19           **(1) An employee of the mental health hospital at the direction of**  
20 **the chief administrative officer of the hospital;**

21           **(2) A person who has written consent from the chief**  
22 **administrative officer of the hospital;**

23           **(3) An employee of a law enforcement agency, fire department,**  
24 **or emergency medical service in the exercise of official duties;**

25           **(4) A government official or employee in the exercise of official**  
26 **duties;**

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

28           **(a) The unmanned aircraft is used for the purpose of inspecting,**  
29 **repairing, or maintaining utility transmission, distribution lines, other**  
30 **utility equipment, or infrastructure;**

31           **(b) The utility notifies the mental health hospital at least twenty-**  
32 **four hours before flying the unmanned aircraft, except during an**  
33 **emergency; and**

34           **(c) The person operating the unmanned aircraft does not**  
35 **physically enter the prohibited space without an escort provided by the**  
36 **mental health hospital; or**

37           **(6) An employee of a railroad in the exercise of official duties on**  
38 **any land owned or operated by a railroad corporation regulated by the**  
39 **Federal Railroad Administration.**

40           **5. Each mental health hospital shall post a sign warning of the**  
41 **provisions of this section. The sign shall be at least eleven inches by**  
42 **fourteen inches and posted in a conspicuous place.**

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

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

49           **(2) Class C felony, if the person operating the unmanned aircraft**  
50 **was facilitating an escape from commitment or detention under section**  
51 **575.195; or**

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

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Bill

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