

SECOND REGULAR SESSION

SENATE BILL NO. 778

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

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ADRIANE D. CROUSE, Secretary.

4104S.02I

AN ACT

To amend chapters 217, 577, and 632, RSMo, by adding thereto three new sections relating to the offense of unlawful use of unmanned aircraft, with penalty provisions.

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

Section A. Chapter 217, 577, and 632, RSMo, are amended by adding thereto three new sections, to be known as sections 217.850, 577.800, and 632.460, to read as follows:

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

(1) Operates an unmanned aircraft within a vertical distance of three hundred feet over the correctional center's secure perimeter fence; or

(2) Allows an unmanned aircraft to make contact with a correctional center, including any person or object on the premises of or within the facility.

2. For purposes of this section, "correctional center" shall include:

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

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

(3) Any county or municipal jail.

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

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

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

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

22 **(4) A government official or employee in the exercise of official**
23 **duties;**

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

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

28 **(b) The utility notifies the correctional center before flying the**
29 **unmanned aircraft, except during an emergency; and**

30 **(c) The person operating the unmanned aircraft does not**
31 **physically enter the prohibited space without an escort provided by the**
32 **correctional center;**

33 **(6) An employee of a railroad in the exercise of official duties on**
34 **any land owned or operated by a railroad corporation regulated by the**
35 **Federal Railroad Administration; or**

36 **(7) A person operating an unmanned aircraft pursuant to and in**
37 **compliance with any waiver issued by the Federal Aviation Authority**
38 **in accordance with 14 CFR 107.**

39 **4. The offense of unlawful use of unmanned aircraft over a**
40 **correctional center shall be punishable as an infraction unless the**
41 **person uses an unmanned aircraft for the purpose of:**

42 **(1) Delivering a gun, knife, weapon, or other article that may be**
43 **used in such manner to endanger the life of an offender or correctional**
44 **center employee, in which case the offense is a class B felony;**

45 **(2) Facilitating an escape from confinement under section**
46 **575.210, in which case the offense is a class C felony; or**

47 **(3) Delivering a controlled substance, as that term is defined by**
48 **chapter 195, in which case the offense is a class D felony.**

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

577.800. 1. A person commits the offense of unlawful use of
2 **unmanned aircraft over an open air facility if he or she:**

3 **(1) Operates an unmanned aircraft within a vertical distance of**
4 **three hundred feet from the ground and within the property line of an**
5 **open air facility; or**

6 **(2) Uses an unmanned aircraft with the purpose of delivering to**
7 **a person within an open air facility any object described in subdivision**
8 **(1) or (2) of subsection 4 of this section.**

9 **2. For purposes of this section, "open air facility" shall mean any**
10 **sports, theater, music, performing arts, or other entertainment facility**
11 **with a capacity of five thousand people or more and is not completely**
12 **enclosed by a roof or other structure.**

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

15 **(1) An employee of an open air facility at the direction of the**
16 **president or chief executive officer of the open air facility;**

17 **(2) A person who has written consent from the president or chief**
18 **executive officer of the open air facility;**

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

21 **(4) A government official or employee in the exercise of official**
22 **duties;**

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

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

27 **(b) The utility or cooperative notifies the open air facility at**
28 **least twenty-four hours before flying the unmanned aircraft, except**
29 **during an emergency; and**

30 **(c) The person operating the unmanned aircraft does not**
31 **physically enter the prohibited space without an escort provided by the**
32 **open air facility; or**

33 **(6) An employee of a railroad in the exercise of official duties on**
34 **any land owned or operated by a railroad corporation regulated by the**
35 **federal railroad administration.**

36 **4. The offense of unlawful use of unmanned aircraft over an open**
37 **air facility shall be punishable as a class A misdemeanor unless the**
38 **person uses an unmanned aircraft for:**

39 **(1) Delivering a gun, knife, weapon, or other article that may be**
40 **used in such manner to endanger the life of an employee or guest at an**
41 **open air facility, in which case the offense is a class B felony; or**

42 **(2) Delivering a controlled substance, as that term is defined in**

43 chapter 195, in which case the offense is a class D felony.

44 5. Each open air facility shall post a sign warning of the
45 provisions of this section. The sign shall be at least eleven inches by
46 fourteen inches and posted in a conspicuous place.

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

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

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

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

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

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

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

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

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

28 inspecting, repairing, or maintaining utility transmission or
29 distribution lines, other utility equipment, or infrastructure;

30 (b) The utility notifies the mental health hospital before flying
31 the unmanned aircraft, except during an emergency; and

32 (c) The person operating the unmanned aircraft does not
33 physically enter the prohibited space without an escort provided by the

34 **mental health hospital;**

35 **(6) An employee of a railroad in the exercise of official duties on**
36 **any land owned or operated by a railroad corporation regulated by the**
37 **Federal Railway Administration; or**

38 **(7) A person operating an unmanned aircraft pursuant to and in**
39 **compliance with any waiver issued by the Federal Aviation Authority**
40 **in accordance with 14 CFR 107.**

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

44 **6. The offense of unlawful use of unmanned aircraft over a**
45 **mental health hospital shall be punishable as an infraction unless the**
46 **person uses an unmanned aircraft for the purposes of:**

47 **(1) Delivering a gun, knife, weapon, or other article that may be**
48 **used in such manner to endanger the life of a patient or mental health**
49 **hospital employee, in which case the offense is a class B felony;**

50 **(2) Facilitating an escape from commitment or detention under**
51 **section 575.195, in which case the offense is a class C felony; or**

52 **(3) Delivering a controlled substance, as that term is defined by**
53 **chapter 195, in which case the offense is a class D felony.**

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