

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2587

AN ACT

To repeal section 577.800, RSMo, and to enact in lieu thereof three new sections relating to unmanned aircraft, with penalty provisions and an emergency clause.

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

Section A. Section 577.800, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 577.800, 589.900, and 589.902, to read as follows:

577.800. 1. A person commits the offense of unlawful use of unmanned aircraft over an open-air facility or critical infrastructure facility if he or she purposely:

(1) Operates an unmanned aircraft within a vertical distance of four hundred feet from the ground and within the property line of an open-air facility; **[or]**

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

(3) Uses an unmanned aircraft within the boundary of any critical infrastructure facility; or

(4) Operates an unmanned aircraft within a vertical distance of four hundred feet from the ground and within the property line of a critical infrastructure facility in furtherance of any violation of criminal law.

2. For purposes of this section, "open-air facility" shall mean any sports, theater, music, performing arts, or

other entertainment facility with a capacity of five [thousand] hundred people or more and not completely enclosed by a roof or other structure. For purposes of this section, "critical infrastructure facility" shall have the same meaning as section 569.086.

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

(1) An employee, owner, or operator of an open-air facility [at the direction of the president or chief executive officer of the open-air facility] or critical infrastructure facility for the purpose of monitoring, inspecting, operating, or maintaining the facility;

(2) A person who has written consent from the president or chief executive officer of the open-air facility or critical infrastructure facility;

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

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

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

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

(b) The utility or cooperative notifies the open-air facility or critical infrastructure facility before flying the unmanned aircraft, except during an emergency; and

(c) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the open-air facility or critical infrastructure facility; or

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

4. The offense of unlawful use of unmanned aircraft over an open-air facility or critical infrastructure facility shall be punishable as an infraction unless the person uses an unmanned aircraft for:

(1) Delivering a gun, knife, weapon, or other article, including any explosive device or material, that may be used in such manner to endanger the life of an employee or guest at an open-air facility or critical infrastructure facility, in which case the offense is a class B felony; or

(2) Delivering a controlled substance, as that term is defined under section 195.010, in which case the offense is a class D felony.

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

6. This section shall not apply to an operator of an unmanned aircraft that is being used for a commercial purpose that is otherwise operating lawfully, provided the operator is authorized by the Federal Aviation Administration to conduct lawful operations in that airspace.

589.900. 1. For the purposes of sections 589.900 to 589.902, the following terms mean:

(1) "Authorized individuals", peace officers, as defined in section 590.010, who are certified in accordance with federal requirements, including the Homeland Security Act of 2002, Pub. L. 107-296, as amended, when applicable, to conduct unmanned aircraft and unmanned aerial system mitigation;

(2) "Mitigate", any of the following actions:

(a) During the operation of an unmanned aircraft system, to detect, identify, monitor, or track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft;

(b) To warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active and direct or indirect physical, electronic, radio, or electromagnetic means, or through the use of remote identification broadcast or other means;

(c) To disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft;

(d) To seize or exercise control of the unmanned aircraft system or unmanned aircraft; or

(e) To use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

2. The terms "unmanned aircraft" and "unmanned aircraft system" shall have the meanings given such terms in 49 U.S.C. Section 44801.

589.902. 1. To the greatest extent permissible under applicable federal law, including the Homeland Security Act of 2002, Pub. L. 107-296, as amended, authorized individuals in this state shall be empowered to take necessary action to mitigate a credible threat that an unmanned aircraft or unmanned aircraft system poses to the safety or security of people, facilities, assets, a venue or set of venues used

for large-scale public gatherings or events, critical infrastructure, or correctional facilities.

2. Nothing in this section shall be construed to limit the power of a law enforcement officer in this state to seize an unmanned aircraft system or unmanned aircraft in the course of their duties. A law enforcement officer may use all lawful means to effect such a seizure, which may include the use of mitigation techniques where permissible.

3. Any unmanned aircraft system or unmanned aircraft seized under this section or in connection with a criminal act shall be subject to forfeiture under section 513.607.

4. Nothing in this section shall be construed to permit the jamming of or interference with any signal, except in accordance with all applicable federal laws, rules, and regulations, including, but not limited to, the Homeland Security Act of 2002, Pub. L. 107-296, as amended.

Section B. Because immediate action is necessary to address the urgent need of Missouri law enforcement agencies to be able to ensure and provide for the safety and security of Missouri residents from the threat that weaponized unmanned aircraft systems present to Missouri, the enactment of sections 589.900 and 589.902 and the repeal and reenactment of section 577.800 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 589.900 and 589.902 and the repeal and reenactment of section 577.800 of this act shall be in full force and effect upon its passage and approval.