

SENATE BILL NO. 1421

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5940S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 217.850, 577.800, and 632.575, RSMo, and to enact in lieu thereof three new sections relating to the unlawful use of unmanned aircraft in certain areas, with penalty provisions and an emergency clause.

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

Section A. Sections 217.850, 577.800, and 632.575, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 217.850, 577.800, and 632.575, to read as
4 follows:

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

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

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

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

12 (1) Any correctional center as defined in section
13 217.010;

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

15 (3) Any county or municipal jail.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

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

34 (b) The utility notifies the correctional center
35 before flying the unmanned aircraft, except during an
36 emergency; and

37 (c) The person operating the unmanned aircraft does
38 not physically enter the prohibited space without an escort
39 provided by the correctional center;

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

44 (7) A person operating an unmanned aircraft pursuant
45 to and in compliance with any waiver issued by the Federal
46 Aviation Authority under 14 C.F.R. Section 107.200.

47 4. The offense of unlawful use of unmanned aircraft
48 over a correctional center shall be punishable as an
49 infraction unless the person uses an unmanned aircraft for
50 the purpose of:

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

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

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

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

65 **6. A law enforcement officer may take necessary**
66 **mitigation measures in a manner consistent with the Fourth**
67 **Amendment to the United States Constitution and Section 15**
68 **of Article I of the Constitution of Missouri against an**
69 **imminent threat posed by an unmanned aircraft system to**
70 **public safety or when the unmanned aircraft system is**
71 **involved in criminal activity. Such measures may include,**
72 **but are not limited to, any of the following:**

73 **(1) The use of detection, tracking, and identification**
74 **methods;**

75 **(2) The interception or disabling of an unmanned**
76 **aircraft system, including but not limited to jamming,**
77 **hacking, use of force, or physical capture.**

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 any critical infrastructure facility in
furtherance of any violation of a criminal law of this state.**

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 in section 569.086.**

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

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

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

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

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

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

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

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

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

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

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

57 (1) Delivering a gun, knife, weapon, or other article,
58 **including any explosive devices or materials**, that may be
59 used in such manner to endanger the life of an employee or
60 guest at an open-air facility, in which case the offense is
61 a class B felony; or

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

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

69 6. A law enforcement officer may take necessary
70 mitigation measures in a manner consistent with the Fourth
71 Amendment to the United States Constitution and Section 15
72 of Article I of the Constitution of Missouri against an
73 imminent threat posed by an unmanned aircraft system to
74 public safety or when the unmanned aircraft system is
75 involved in criminal activity. Such measures may include,
76 but are not limited to, any of the following:

77 (1) The use of detection, tracking, and identification
78 methods;

79 (2) The interception or disabling of an unmanned
80 aircraft system, including but not limited to jamming,
81 hacking, use of force, or physical capture.

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

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

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

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

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

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

21 (1) An employee of the mental health hospital at the
22 direction of the chief administrative officer of the mental
23 health hospital;

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

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

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

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

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

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

40 (c) The person operating the unmanned aircraft does
41 not physically enter the prohibited space without an escort
42 provided by the mental health hospital;

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

47 (7) A person operating an unmanned aircraft pursuant
48 to and in compliance with any waiver issued by the Federal
49 Aviation Authority under 14 CFR Section 107.200.

50 5. Each mental health hospital shall post a sign
51 warning of the provisions of this section. The sign shall
52 be at least eleven inches by fourteen inches and posted in a
53 conspicuous place.

54 6. The offense of unlawful use of unmanned aircraft
55 over a mental health hospital shall be punishable as an
56 infraction unless the person uses an unmanned aircraft for
57 the purpose of:

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

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

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

68 **7. A law enforcement officer may take necessary**
69 **mitigation measures in a manner consistent with the Fourth**
70 **Amendment to the United States Constitution and Section 15**
71 **of Article I of the Constitution of Missouri against an**
72 **imminent threat posed by an unmanned aircraft system to**
73 **public safety or when the unmanned aircraft system is**

involved in criminal activity. Such measures may include,
but are not limited to, any of the following:

(1) The use of detection, tracking, and identification
methods;

(2) The interception or disabling of an unmanned
aircraft system, including but not limited to jamming,
hacking, use of force, or physical capture.

Section B. Because of 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 repeal and reenactment of sections 217.850,
577.800, and 632.575 of this act is 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 repeal and
reenactment of sections 217.850, 577.800, and 632.575 of
this act shall be in full force and effect upon its passage
and approval.

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