

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 1421

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5940S.03P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 577.800, 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Section A. Section 577.800, RSMo, is repealed and three  
2 new sections enacted in lieu thereof, to be known as sections  
3 577.800, 589.900, and 589.902, to read as follows:

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

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

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

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

13 (4) **Operates an unmanned aircraft within a vertical**  
14 **distance of four hundred feet from the ground and within the**

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

15 **property line of a critical infrastructure facility in**  
16 **furtherance of any violation of criminal law.**

17 2. For purposes of this section, "open-air facility"  
18 shall mean any sports, theater, music, performing arts, or  
19 other entertainment facility with a capacity of five  
20 **[thousand] hundred** people or more and not completely  
21 enclosed by a roof or other structure. **For purposes of this**  
22 **section, "critical infrastructure facility" shall have the**  
23 **same meaning as section 569.086.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

589.900. 1. For the purposes of sections 589.900 to  
2 589.902, the following terms mean:

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

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

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

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

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

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

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

33           2. The terms "unmanned aircraft" and "unmanned  
34 aircraft system" shall have the meanings given such terms in  
35 49 U.S.C. Section 44801.

          589.902. 1. To the greatest extent permissible under  
2 applicable federal law, including the Homeland Security Act  
3 of 2002, Pub. L. 107-296, as amended, authorized individuals  
4 in this state shall be empowered to take necessary action to  
5 mitigate a credible threat that an unmanned aircraft or  
6 unmanned aircraft system poses to the safety or security of  
7 people, facilities, assets, a venue or set of venues used  
8 for large-scale public gatherings or events, critical  
9 infrastructure, or correctional facilities.

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

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

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

          Section B. Because immediate action is necessary to  
2 address the urgent need of Missouri law enforcement agencies  
3 to be able to ensure and provide for the safety and security  
4 of Missouri residents from the threat that weaponized  
5 unmanned aircraft systems present to Missouri, the enactment  
6 of sections 589.900 and 589.902 and the repeal and

7 reenactment of section 577.800 of this act are deemed  
8 necessary for the immediate preservation of the public  
9 health, welfare, peace, and safety, and is hereby declared  
10 to be an emergency act within the meaning of the  
11 constitution, and the enactment of sections 589.900 and  
12 589.902 and the repeal and reenactment of section 577.800 of  
13 this act shall be in full force and effect upon its passage  
14 and approval.

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