

# STATE OF NEW YORK

1979

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful use of a drone

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 240.00 of the penal law is amended by adding three  
2 new subdivisions 7, 8 and 9 to read as follows:

3 7. "Drone" means an unmanned aircraft which is operated remotely with-  
4 out the possibility of direct human intervention from within or on the  
5 aircraft.

6 8. "Restricted airspace" means any airspace over the property of a  
7 correctional facility as defined in section forty of the correction law  
8 or airspace within five miles of an airport.

9 9. "Personal use" means the operation of a drone solely for the  
10 purpose of pleasure or recreation.

11 § 2. The penal law is amended by adding a new section 240.80 to read  
12 as follows:

13 § 240.80 Unlawful use of a drone.

14 A person is guilty of unlawful use of a drone when during the personal  
15 use of such drone, except as otherwise provided by federal law, he or  
16 she knowingly operates a drone:

17 1. more than four hundred feet above ground level; or

18 2. weighing more than ten pounds; or

19 3. without a visual line of sight of such aircraft; or

20 4. within a restricted airspace; or

21 5. in a reckless manner wherein such operation creates a risk of harm  
22 to the public; or

23 6. with the intent to harass or annoy an individual or individuals; or

24 7. below one hundred feet above ground level on private property with-  
25 out the owner's consent.

26 Unlawful use of a drone is a violation.

27 § 3. This act shall take effect on the first of November next succeed-  
28 ing the date upon which it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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