

STATE OF NEW YORK

7723--A

2023-2024 Regular Sessions

IN SENATE

October 20, 2023

Introduced by Sens. BRESLIN, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to prohibiting the operation of unmanned aircraft over school grounds or critical infrastructure

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

Section 1. The penal law is amended by adding a new section 270.45 to read as follows:

§ 270.45 Unlawfully operating an unmanned aircraft over school grounds or critical infrastructure.

1. As used in this section:

(a) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(b) "School grounds" means in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational or high school.

(c) "School administrator" shall have the same meaning as defined by subdivision six of section one thousand one hundred twenty-five of the education law.

(d) "Critical infrastructure" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) an electrical power generation or delivery system;

(ii) a petroleum or alumina refinery;

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

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1 (iii) a chemical or rubber manufacturing facility;
2 (iv) an oil or gas pipeline;
3 (v) a petroleum or chemical storage facility; or
4 (vi) a drinking water intake structure, drinking water treatment
5 facility, wastewater treatment plant, pressure/flow regulating facility,
6 water storage tank, standpipe, water supply reservoir, pump station, or
7 wellfield.

8 2. A person is guilty of unlawfully operating an unmanned aircraft
9 over school grounds or critical infrastructure when, they intentionally
10 or knowingly:

11 (a) operate an unmanned aircraft over school grounds or critical
12 infrastructure and such unmanned aircraft is not higher than four
13 hundred feet above ground level;

14 (b) allow an unmanned aircraft to make contact with school grounds or
15 critical infrastructure, including any person or object on the premises;

16 (c) allow an unmanned aircraft to come within a distance of school
17 grounds or critical infrastructure that is close enough to interfere
18 with the operations of or cause a disturbance to the school on such
19 school grounds or to such critical infrastructure.

20 3. Nothing in this section shall apply to conduct described in subdi-
21 vision two of this section when such conduct is committed by:

22 (a) the federal government, the state, or a governmental agency;

23 (b) a person under contract with or otherwise acting under the direc-
24 tion or on behalf of the federal government, this state, or governmental
25 entity;

26 (c) a person who has the prior written consent of:

27 (i) in the case of an unmanned aircraft being operated over school
28 grounds, the school administrator of such school grounds or his or her
29 designee; or

30 (ii) in the case of an unmanned aircraft being operated over critical
31 infrastructure, the entity responsible for the operation of such crit-
32 ical infrastructure;

33 (d) a law enforcement agency; or

34 (e) a person under contract with or otherwise acting under the direc-
35 tion or on behalf of a law enforcement agency.

36 Unlawfully operating an unmanned aircraft over school grounds or crit-
37 ical infrastructure is a class B misdemeanor for a first offense and a
38 class A misdemeanor for any subsequent offense.

39 § 2. This act shall take effect on the first of November next succeed-
40 ing the date on which it shall have become a law.