

STATE OF NEW YORK

4839

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sen. FAHY -- 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 prohibiting the operation of uncrewed aircraft over school grounds or critical infrastructure

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

1 Section 1. Legislative findings and intent. The New York state legis-
2 lature finds and declares that protecting the safety and security of our
3 schools and our critical infrastructure facilities is of utmost impor-
4 tance. It is the intent of the legislature to respond to developments in
5 technology to ensure that new technologies do not pose unreasonable
6 risks to our school children or our critical infrastructure facilities.
7 Uncrewed aircraft are often equipped with surveillance technology,
8 including photograph and video capabilities. Thus, the operation of
9 uncrewed aircraft has the potential to infringe on the privacy of the
10 students, teachers, and staff on school grounds. Further, the operation
11 of uncrewed aircraft can pose a risk to the safety and security of both
12 schools and critical infrastructure facilities. Aerial photographs or
13 videos of school grounds or critical infrastructure could equip nefari-
14 ous actors with information about the location of critical equipment,
15 entry and exit points, or the precise location of staff and, if applica-
16 ble, students at a given time of day. Given these substantial risks, the
17 legislature finds that an uncrewed aircraft that remains above or hovers
18 above school grounds or critical infrastructure without permission can
19 be presumed to be performing surveillance and, as such, poses an unrea-
20 sonable security risk. It is not the intent of the legislature to
21 restrict overflight by uncrewed aircraft traversing the space above
22 school grounds or critical infrastructure.

23 § 2. The penal law is amended by adding a new section 270.45 to read
24 as follows:

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

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1 § 270.45 Unlawfully operating an uncrewed aircraft over school grounds
2 or critical infrastructure.

3 1. As used in this section:

4 (a) "Uncrewed aircraft" means an aircraft operated without the possi-
5 bility of direct human intervention from within or on such aircraft.

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

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

13 (d) "Critical infrastructure" means any of the following, if complete-
14 ly enclosed by a fence or other physical barrier that is obviously
15 designed to exclude intruders, or if clearly marked with a sign or signs
16 which indicate that entry is forbidden and which are posted on the prop-
17 erty in a manner reasonably likely to come to the attention of intrud-
18 ers, and indicate that entry is forbidden:

19 (i) an electrical power generation or delivery system;

20 (ii) a petroleum or alumina refinery;

21 (iii) a chemical or rubber manufacturing facility;

22 (iv) an oil or gas pipeline;

23 (v) a petroleum or chemical storage facility; or

24 (vi) a drinking water intake structure, drinking water treatment
25 facility, wastewater treatment plant, pressure/flow regulating facility,
26 water storage tank, standpipe, water supply reservoir, pump station, or
27 wellfield.

28 2. A person is guilty of unlawfully operating an uncrewed aircraft
29 over school grounds or critical infrastructure when such person inten-
30 tionally or knowingly:

31 (a) operates an uncrewed aircraft over school grounds or critical
32 infrastructure and such uncrewed aircraft remains above or hovers above
33 such school grounds or critical infrastructure, provided that such
34 uncrewed aircraft is not higher than two hundred fifty feet above ground
35 level; or

36 (b) allows an uncrewed aircraft to make contact with school grounds or
37 critical infrastructure, including any person or object on the premises
38 of such school grounds or critical infrastructure.

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

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

42 (b) a person under contract with or otherwise acting under the direc-
43 tion or on behalf of the federal government, the state, or a govern-
44 mental entity;

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

46 (i) in the case of an uncrewed aircraft being operated over school
47 grounds, the school administrator of such school grounds or such school
48 administrator's designee; or

49 (ii) in the case of an uncrewed aircraft being operated over critical
50 infrastructure, the entity responsible for the operation of such crit-
51 ical infrastructure;

52 (d) a law enforcement agency;

53 (e) a person under contract with or otherwise acting under the direc-
54 tion or on behalf of a law enforcement agency; or

1 (f) a person who operates an uncrewed aircraft that traverses over
2 school grounds or critical infrastructure when such uncrewed aircraft
3 is:

4 (i) at least two hundred fifty feet above such school grounds or crit-
5 ical infrastructure; and

6 (ii) continuously flying through and is not hovering over such school
7 grounds or critical infrastructure.

8 Unlawfully operating an uncrewed aircraft over school grounds or crit-
9 ical infrastructure is a class B misdemeanor for a first offense and a
10 class A misdemeanor for any subsequent offense.

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