

7639

I N S E N A T E

May 21, 2014

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law and the penal law, in relation to the protection of personal privacy from the unauthorized use of satellites and unmanned aerial vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "personal privacy protection act".

3 S 2. The executive law is amended by adding a new article 26-A to read
4 as follows:

5 ARTICLE 26-A

6 PROTECTION OF PRIVACY FROM UNAUTHORIZED USE OF
7 SATELLITES AND UNMANNED AERIAL VEHICLES

8 SECTION 730. PROTECTION OF PERSONAL PRIVACY FROM THE USE OF SATELLITES
9 AND UNMANNED AERIAL VEHICLES.

10 S 730. PROTECTION OF PERSONAL PRIVACY FROM THE USE OF SATELLITES AND
11 UNMANNED AERIAL VEHICLES. 1. LEGISLATIVE FINDINGS AND DETERMINATIONS.
12 THE LEGISLATURE FINDS AND DETERMINES THAT TECHNOLOGICAL ADVANCES HAVE
13 PROVIDED EQUIPMENT THAT MAY BE UTILIZED FOR NEW SURVEILLANCE TECHNIQUES
14 THAT CAN PRODUCE IMAGES AND RECORDINGS BY NON-GOVERNMENT ENTITIES, FOR
15 NON-GOVERNMENT PURPOSES, AND WHICH CAN BE PLACED AND DISTRIBUTED IN AN
16 OPEN, PUBLIC DOMAIN. THESE TECHNOLOGICAL ADVANCES OFTEN OUTPACE PRIVACY
17 PROTECTIONS AND CAN LEAD TO AN UNWARRANTED AND UNWANTED INVASION OF
18 PERSONAL PRIVACY.

19 THE LEGISLATURE FURTHER FINDS AND DETERMINES THAT REGARDLESS OF THEIR
20 DESIGN, APPLICATION AND SIZE, THE USE OF COMMERCIAL SATELLITES OR
21 COMMERCIAL UNMANNED AERIAL VEHICLES WITHOUT LIMITATION CAN CREATE SERI-
22 OUS PRIVACY CONCERNS FOR THE PEOPLE OF THE STATE. ADDITIONALLY, THE
23 INTEGRATION OF THESE SURVEILLANCE PLATFORMS INTO DOMESTIC AIRSPACE OFFER
24 THE OPPORTUNITY FOR APPLICATIONS WHICH ARE BOUND ONLY BY HUMAN INGENUI-
25 TY, AND WHICH WILL, WITHOUT SOME REGULATION, PRESENT A HOST OF LEGAL
26 ISSUES AND PRIVACY CONCERNS. MOREOVER, WITH THE MODERN TECHNOLOGICAL

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

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1 ABILITY TO HOUSE HIGH-POWERED CAMERAS, INFRARED SENSORS, FACIAL RECOGNI-
2 TION TECHNOLOGY AND LICENSE PLATE READERS, JUST TO NAME A FEW, THESE
3 COMMERCIAL SURVEILLANCE PLATFORMS CAN PRESENT A SERIOUS AND SUBSTANTIAL
4 PRIVACY RISK.

5 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES THAT THE USE OF
6 COMMERCIAL SATELLITES OR COMMERCIAL UNMANNED AERIAL VEHICLES WITHOUT
7 LIMITATION, COULD THEREFORE PRESENT A SUBSTANTIAL RISK TO THE PRIVACY
8 PROTECTIONS ENSHRINED IN THE FEDERAL AND STATE CONSTITUTIONS, AND THAT
9 THE LACK OF CLEAR STATUTORY AUTHORITY FOR THE USE OF THESE SURVEILLANCE
10 PLATFORMS WITHIN THE STATE THEREBY PRESENTS A PREVENTABLE CHALLENGE TO
11 THE RIGHTS AND PROTECTIONS THAT EVERY PERSON IN NEW YORK SHOULD ENJOY.
12 ACCORDINGLY, THE LEGISLATURE SEEKS, BY MEANS OF THIS ARTICLE, TO PROVIDE
13 CLEAR STANDARDS FOR THE LAWFUL USE OF COMMERCIAL SATELLITES OR COMMER-
14 CIAL UNMANNED AERIAL VEHICLES WITHIN THE AIRSPACE OF THE STATE, AND TO
15 ESTABLISH LIMITATIONS THEREON TO PROTECT AND PRESERVE THE PRIVACY RIGHTS
16 OF ALL PERSONS WITHIN THE STATE.

17 2. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
18 SHALL HAVE THE FOLLOWING DEFINITIONS:

19 (A) "COMMERCIAL SATELLITE" SHALL MEAN A SATELLITE THAT HAS BEEN PLACED
20 INTO ORBIT AROUND THE EARTH BY A PERSON, CORPORATION, LIMITED LIABILITY
21 COMPANY, ORGANIZATION OR GOVERNMENT, OTHER THAN THE FEDERAL OR STATE
22 GOVERNMENT.

23 (B) "COMMERCIAL UNMANNED AERIAL VEHICLE" SHALL MEAN AN UNMANNED AERIAL
24 VEHICLE THAT IS PLACED INTO FLIGHT AND/OR CONTROLLED BY A PERSON, CORPO-
25 RATION, LIMITED LIABILITY COMPANY, ORGANIZATION OR GOVERNMENT, OTHER
26 THAN THE FEDERAL OR STATE GOVERNMENT; BUT SHALL NOT INCLUDE A MODEL
27 AIRCRAFT FLOWN STRICTLY FOR HOBBY OR RECREATIONAL USE, THAT IS LESS THAN
28 SIXTY POUNDS, OPERATED WITHIN A VISUAL LINE OF SIGHT, AT A FLIGHT ALTI-
29 TITUDE CEILING OF NOT MORE THAN FOUR HUNDRED FEET, AND THAT DOES NOT
30 INTERFERE WITH AND GIVES RIGHT OF WAY TO ALL OTHER AIRCRAFT.

31 (C) "IMAGE OR RECORDING" SHALL MEAN THE PHYSICAL OR ELECTRONIC
32 CAPTURE, COLLECTION, MAINTENANCE, POSTING, TRANSMITTING OR BROADCASTING
33 OF ANY:

34 (I) THERMAL, INFRARED, ULTRAVIOLET, VISIBLE LIGHT OR OTHER ELECTROMAG-
35 NETIC WAVES;

36 (II) SOUND WAVES; OR

37 (III) ODORS.

38 (D) "SATELLITE" SHALL MEAN AN ARTIFICIAL OBJECT WHICH HAS BEEN INTEN-
39 TIONALLY PLACED INTO ORBIT AROUND THE EARTH BY A PERSON, CORPORATION,
40 LIMITED LIABILITY COMPANY, ORGANIZATION OR GOVERNMENT, WHICH HAS THE
41 CAPABILITY OF:

42 (I) CAPTURING, COLLECTING, MAINTAINING, POSTING, TRANSMITTING OR
43 BROADCASTING AN IMAGE OR RECORDING; OR

44 (II) DEPLOYING, FIRING, LAUNCHING OR TRANSMITTING AN ELECTRONIC SIGNAL
45 OR KINETIC PROJECTILE, THAT CAN CAUSE HARM OR DESTRUCTION TO A PERSON OR
46 PROPERTY.

47 (E) "UNMANNED AERIAL VEHICLE" SHALL MEAN AN ARTIFICIAL OBJECT CAPABLE
48 OF FLIGHT, WITHOUT A HUMAN PILOT, WHICH IS PLACED INTO FLIGHT AND/OR
49 CONTROLLED, BY A PERSON, CORPORATION, LIMITED LIABILITY COMPANY, ORGAN-
50 IZATION OR GOVERNMENT, AND IS OPERATED EITHER AUTONOMOUSLY BY COMPUTERS
51 IN THE VEHICLE ITSELF, OR UNDER THE REMOTE CONTROL OF AN OPERATOR ON THE
52 GROUND OR IN ANOTHER VEHICLE, AND WHICH HAS THE CAPACITY OF:

53 (I) CAPTURING, COLLECTING, MAINTAINING, POSTING, TRANSMITTING OR
54 BROADCASTING AN IMAGE OR RECORDING; OR

1 (II) DEPLOYING, FIRING, LAUNCHING OR TRANSMITTING AN ELECTRONIC SIGNAL
2 OR KINETIC PROJECTILE, THAT CAN CAUSE HARM OR DESTRUCTION TO A PERSON OR
3 PROPERTY.

4 3. PROTECTION OF PERSONAL PRIVACY. IN ACCORDANCE WITH ARTICLE TWO
5 HUNDRED FIFTY-TWO OF THE PENAL LAW, NO IMAGE OR RECORDING SHALL BE
6 CAPTURED, COLLECTED, MAINTAINED, POSTED, TRANSMITTED OR BROADCAST BY OR
7 FROM A COMMERCIAL SATELLITE OR A COMMERCIAL UNMANNED AERIAL VEHICLE, OF
8 ANY PERSON OR THEIR PRIVATE PROPERTY, UNLESS SUCH IMAGE OR RECORDING WAS
9 CAPTURED, COLLECTED, MAINTAINED, POSTED, TRANSMITTED OR BROADCAST:

10 (A) FOR THE PURPOSE OF PROFESSIONAL OR SCHOLARLY RESEARCH AND DEVELOP-
11 MENT BY A PERSON ACTING ON BEHALF OF AN INSTITUTION OF HIGHER EDUCATION,
12 INCLUDING A PERSON WHO IS:

13 (I) A PROFESSOR, EMPLOYEE, OR STUDENT OF SUCH INSTITUTION; OR

14 (II) UNDER CONTRACT WITH OR OTHERWISE ACTING UNDER THE DIRECTION OR ON
15 BEHALF OF SUCH INSTITUTION;

16 (B) FOR THE PURPOSE OF PROTECTING, MONITORING OR MAINTAINING AIRSPACE
17 WHICH:

18 (I) IS DESIGNATED AS A TEST SITE OR RANGE AUTHORIZED BY THE FEDERAL
19 AVIATION ADMINISTRATION FOR THE PURPOSE OF INTEGRATING UNMANNED AIRCRAFT
20 SYSTEMS INTO THE NATIONAL AIRSPACE; OR

21 (II) IS USED FOR COMMERCIAL OR MILITARY AIRCRAFT;

22 (C) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
23 CIAL UNMANNED AERIAL VEHICLE PURSUANT TO CONTRACT WITH, OR AS PART OF AN
24 OPERATION, EXERCISE OR MISSION OF THE UNITED STATES ARMY, NAVY, AIR
25 FORCE, MARINES CORPS OR COAST GUARD OR THE RESERVE UNITS THEREOF, OR OF
26 THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NEW YORK STATE GUARD, OR
27 NEW YORK STATE NAVAL MILITIA;

28 (D) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
29 CIAL UNMANNED AERIAL VEHICLE PURSUANT TO A CONTRACT WITH, OR AS PART OF
30 AN OPERATION, EXERCISE OR MISSION OF THE UNITED STATES DEPARTMENT OF
31 HOMELAND SECURITY OR ANY AGENCY THEREOF, THE DIVISION OF HOMELAND SECU-
32 RITY AND EMERGENCY SERVICES, THE UNITED STATES DEPARTMENT OF JUSTICE OR
33 ANY AGENCY THEREOF, THE DIVISION OF STATE POLICE, OR A POLICE DEPARTMENT
34 OR FIRE DEPARTMENT OF ANY POLITICAL SUBDIVISION OF THE STATE, OR OF ANY
35 STATE AGENCY OR PUBLIC AUTHORITY AS MAY BE DESIGNATED BY THE GOVERNOR,
36 UPON THE JOINT RECOMMENDATION OF THE COMMISSIONER OF THE DIVISION OF
37 HOMELAND SECURITY AND EMERGENCY SERVICES AND THE SUPERINTENDENT OF STATE
38 POLICE;

39 (E) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
40 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE DEVELOPMENT,
41 CREATION AND/OR PRODUCTION OF MAPS, GEOLOGICAL SURVEYS OR LAND SURVEYS;

42 (F) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
43 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
44 CONSTRUCTION OR MAINTENANCE OF ELECTRIC UTILITIES, NATURAL GAS UTILI-
45 TIES, WATER UTILITIES, TELEPHONE, INTERNET OR OTHER COMMUNICATIONS
46 SYSTEMS, INCLUDING THEIR MAINTENANCE AND OPERATION FACILITIES, TRANS-
47 MISSION LINES AND FACILITIES, AND RELATED FACILITIES AND SYSTEMS;

48 (G) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
49 CIAL UNMANNED AERIAL VEHICLE, BY A BROADCAST OR PRINT MEDIA NEWS ORGAN-
50 IZATION, TO HAVE THE IMAGES OR RECORDINGS COLLECTED, BROADCAST, PRINTED
51 OR DISPLAYED FOR PUBLIC INFORMATION AND/OR NEWS;

52 (H) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
53 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
54 CONSTRUCTION, MAINTENANCE OR TRAFFIC OF ROADWAYS, HIGHWAYS, BIKE PATHS,
55 WALKWAYS, CANALS, RAILROADS, WATER SYSTEMS, RESERVOIRS, BRIDGES,
56 TUNNELS, RIVERS, SEAWAYS, SUBWAYS, OR FACILITIES APPURTENANT THERETO;

1 (I) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
2 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
3 CONSTRUCTION OR MAINTENANCE OF COMMERCIAL BUILDINGS, HOUSING, PARKING
4 FACILITIES, FENCES OR FACILITIES APPURTENANT THERETO;

5 (J) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
6 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, TRACKING OR
7 PREDICTION OF WEATHER, CLIMATE OR OTHER METEOROLOGICAL EVENTS;

8 (K) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
9 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, TRACKING OR
10 PREDICTION OF WILDLIFE OR VEGETATION;

11 (L) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
12 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
13 CONSTRUCTION, MAINTENANCE OR OPERATION OF FARMS, AGRICULTURAL FACILI-
14 TIES, OR FOOD OR LIVESTOCK MAINTENANCE OR PROCESSING FACILITIES;

15 (M) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
16 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, PREVENTION,
17 MANAGEMENT, RESPONSE OR RECOVERY TO FLOODING, FIRES OR OTHER NATURAL OR
18 MAN MADE DISASTERS;

19 (N) FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
20 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE DESIGN, TESTING,
21 CONSTRUCTION, MANUFACTURE AND/OR PRODUCTION OF SATELLITES OR UNMANNED
22 AERIAL VEHICLES BY A PERSON, CORPORATION, LIMITED LIABILITY COMPANY OR
23 ORGANIZATION IN THE REGULAR COURSE OF BUSINESS THAT DESIGNS, TESTS,
24 CONSTRUCTS, MANUFACTURES OR PRODUCES SATELLITES OR UNMANNED AERIAL VEHI-
25 CLES; OR

26 (O) WITH THE WRITTEN CONSENT OF THE PERSON OF WHOM THE IMAGE OR
27 RECORDING IS TAKEN, OR WHO OWNS OR LAWFULLY OCCUPIES THE REAL PROPERTY
28 CAPTURED IN THE IMAGE OR RECORDING.

29 S 3. Title N of part 3 of the penal law is amended by adding a new
30 article 252 to read as follows:

31 ARTICLE 252

32 OFFENSE INVOLVING COMMERCIAL SATELLITES OR COMMERCIAL
33 UNMANNED AERIAL VEHICLES

34 SECTION 252.00 DEFINITIONS.

35 252.05 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN
36 THE THIRD DEGREE.

37 252.10 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN
38 THE SECOND DEGREE.

39 252.15 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN
40 THE FIRST DEGREE.

41 S 252.00 DEFINITIONS.

42 THE FOLLOWING DEFINITIONS ARE APPLICABLE TO THIS ARTICLE.

43 1. "COMMERCIAL SATELLITE" MEANS A SATELLITE THAT HAS BEEN PLACED INTO
44 ORBIT AROUND THE EARTH BY A PERSON, CORPORATION, LIMITED LIABILITY
45 COMPANY, ORGANIZATION OR GOVERNMENT, OTHER THAN THE FEDERAL OR STATE
46 GOVERNMENT.

47 2. "COMMERCIAL UNMANNED AERIAL VEHICLE" SHALL MEAN AN UNMANNED AERIAL
48 VEHICLE THAT IS PLACED INTO FLIGHT AND/OR CONTROLLED BY A PERSON, CORPO-
49 RATION, LIMITED LIABILITY COMPANY, ORGANIZATION OR GOVERNMENT, OTHER
50 THAN THE FEDERAL OR STATE GOVERNMENT; BUT SHALL NOT INCLUDE A MODEL
51 AIRCRAFT FLOWN STRICTLY FOR HOBBY OR RECREATIONAL USE, THAT IS LESS THAN
52 SIXTY POUNDS, OPERATED WITHIN A VISUAL LINE OF SIGHT, AT A FLIGHT ALTI-
53 TITUDE CEILING OF NOT MORE THAN FOUR HUNDRED FEET, AND THAT DOES NOT
54 INTERFERE WITH, AND GIVES RIGHT OF WAY TO, ALL OTHER AIRCRAFT.

55 3. "IMAGE OR RECORDING" MEANS THE PHYSICAL OR ELECTRONIC CAPTURE,
56 COLLECTION, MAINTENANCE, POSTING, TRANSMITTING OR BROADCASTING OF ANY:

1 (A) THERMAL, INFRARED, ULTRAVIOLET, VISIBLE LIGHT OR OTHER ELECTROMAG-
2 NETIC WAVES;

3 (B) SOUND WAVES; OR

4 (C) ODORS.

5 4. "SATELLITE" MEANS AN ARTIFICIAL OBJECT WHICH HAS BEEN INTENTIONALLY
6 PLACED INTO ORBIT AROUND THE EARTH BY A PERSON, CORPORATION, LIMITED
7 LIABILITY COMPANY, ORGANIZATION OR GOVERNMENT, WHICH HAS THE CAPABILITY
8 OF:

9 (A) CAPTURING, COLLECTING, MAINTAINING, POSTING, TRANSMITTING OR
10 BROADCASTING AN IMAGE OR RECORDING; OR

11 (B) DEPLOYING, FIRING, LAUNCHING OR TRANSMITTING AN ELECTRONIC SIGNAL
12 OR KINETIC PROJECTILE, THAT CAN CAUSE HARM OR DESTRUCTION TO A PERSON OR
13 PROPERTY.

14 5. "UNMANNED AERIAL VEHICLE" MEANS AN ARTIFICIAL OBJECT CAPABLE OF
15 FLIGHT, WITHOUT A HUMAN PILOT, WHICH IS PLACED INTO FLIGHT AND/OR
16 CONTROLLED, BY A PERSON, CORPORATION, LIMITED LIABILITY COMPANY, ORGAN-
17 IZATION OR GOVERNMENT, AND IS OPERATED EITHER AUTONOMOUSLY BY COMPUTERS
18 IN THE VEHICLE ITSELF, OR UNDER THE REMOTE CONTROL OF AN OPERATOR ON THE
19 GROUND OR IN ANOTHER VEHICLE, AND WHICH HAS THE CAPACITY OF:

20 (A) CAPTURING, COLLECTING, MAINTAINING, POSTING, TRANSMITTING OR
21 BROADCASTING AN IMAGE OR RECORDING; OR

22 (B) DEPLOYING, FIRING, LAUNCHING OR TRANSMITTING AN ELECTRONIC SIGNAL
23 OR KINETIC PROJECTILE, THAT CAN CAUSE HARM OR DESTRUCTION TO A PERSON OR
24 PROPERTY.

25 S 252.05 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE
26 THIRD DEGREE.

27 A PERSON SHALL BE GUILTY OF CRIMINAL USE OF A SATELLITE OR UNMANNED
28 AERIAL VEHICLE IN THE THIRD DEGREE, WHEN HE OR SHE INTENTIONALLY USES A
29 COMMERCIAL SATELLITE OR COMMERCIAL UNMANNED AERIAL VEHICLE TO CAPTURE,
30 COLLECT, MAINTAIN, POST, TRANSMIT OR BROADCAST AN IMAGE OR RECORDING OF
31 A PERSON OR HIS OR HER PROPERTY, UNLESS SUCH IMAGE OR RECORDING WAS
32 CAPTURED, COLLECTED, MAINTAINED, POSTED, TRANSMITTED OR BROADCAST:

33 1. FOR THE PURPOSE OF PROFESSIONAL OR SCHOLARLY RESEARCH AND DEVELOP-
34 MENT BY A PERSON ACTING ON BEHALF OF AN INSTITUTION OF HIGHER EDUCATION,
35 INCLUDING A PERSON WHO IS:

36 (A) A PROFESSOR, EMPLOYEE, OR STUDENT OF SUCH INSTITUTION; OR

37 (B) UNDER CONTRACT WITH OR OTHERWISE ACTING UNDER THE DIRECTION OR ON
38 BEHALF OF SUCH INSTITUTION;

39 2. FOR THE PURPOSE OF PROTECTING, MONITORING OR MAINTAINING AIRSPACE
40 WHICH:

41 (A) IS DESIGNATED AS A TEST SITE OR RANGE AUTHORIZED BY THE FEDERAL
42 AVIATION ADMINISTRATION FOR THE PURPOSE OF INTEGRATING UNMANNED AIRCRAFT
43 SYSTEMS INTO THE NATIONAL AIRSPACE; OR

44 (B) IS USED FOR COMMERCIAL OR MILITARY AIRCRAFT;

45 3. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
46 UNMANNED AERIAL VEHICLE PURSUANT TO CONTRACT WITH, OR AS PART OF AN
47 OPERATION, EXERCISE, OR MISSION OF THE UNITED STATES ARMY, NAVY, AIR
48 FORCE, MARINE CORPS OR COAST GUARD, OR THE RESERVE UNITS THEREOF, OR OF
49 THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NEW YORK STATE GUARD, OR
50 NEW YORK STATE NAVAL MILITIA;

51 4. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
52 UNMANNED AERIAL VEHICLE PURSUANT TO A CONTRACT WITH, OR AS PART OF AN
53 OPERATION, EXERCISE OR MISSION OF THE UNITED STATES DEPARTMENT OF HOME-
54 LAND SECURITY OR ANY AGENCY THEREOF, THE DIVISION OF HOMELAND SECURITY
55 AND EMERGENCY SERVICES, THE UNITED STATES DEPARTMENT OF JUSTICE OR ANY
56 AGENCY THEREOF, THE DIVISION OF STATE POLICE, OR A POLICE DEPARTMENT OR

1 FIRE DEPARTMENT OF ANY POLITICAL SUBDIVISION OF THE STATE, OR OF ANY
2 STATE AGENCY OR PUBLIC AUTHORITY AS MAY BE DESIGNATED BY THE GOVERNOR,
3 UPON THE JOINT RECOMMENDATION OF THE COMMISSIONER OF THE DIVISION OF
4 HOMELAND SECURITY AND EMERGENCY SERVICES AND THE SUPERINTENDENT OF STATE
5 POLICE;

6 5. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
7 UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE DEVELOPMENT, CREATION
8 AND/OR PRODUCTION OF MAPS, GEOLOGICAL SURVEYS OR LAND SURVEYS;

9 6. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
10 UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING, CONSTRUCTION
11 OR MAINTENANCE OR ELECTRIC UTILITIES, NATURAL GAS UTILITIES, WATER UTIL-
12 ITIES, TELEPHONE, INTERNET OR OTHER COMMUNICATIONS SYSTEMS, INCLUDING
13 THEIR MAINTENANCE AND OPERATION FACILITIES, TRANSMISSION LINES AND
14 FACILITIES, AND RELATED FACILITIES AND SYSTEMS;

15 7. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
16 UNMANNED AERIAL VEHICLE, BY A BROADCAST OR PRINT MEDIA NEWS ORGANIZA-
17 TION, TO HAVE THE IMAGES OR RECORDINGS COLLECTED, BROADCAST, PRINTED OR
18 DISPLAYED FOR PUBLIC INFORMATION AND/OR NEWS;

19 8. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
20 UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
21 CONSTRUCTION, MAINTENANCE OR TRAFFIC OF ROADWAYS, HIGHWAYS, BIKE PATHS,
22 WALKWAYS, CANALS, RAILROADS, WATER SYSTEMS, RESERVOIRS, BRIDGES,
23 TUNNELS, RIVERS, SEAWAYS, SUBWAYS, OR FACILITIES APPURTENANT THERETO;

24 9. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMERCIAL
25 UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING, CONSTRUCTION
26 OR MAINTENANCE OF COMMERCIAL BUILDINGS, HOUSING, PARKING FACILITIES,
27 FENCES OR FACILITIES APPURTENANT THERETO;

28 10. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
29 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, TRACKING
30 OR PREDICTION OF WEATHER, CLIMATE OR OTHER METEOROLOGICAL EVENTS;

31 11. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
32 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, TRACKING OR
33 PREDICTION OF WILDLIFE OR VEGETATION;

34 12. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
35 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE PLANNING,
36 CONSTRUCTION, MAINTENANCE OR OPERATION OF FARMS, AGRICULTURAL FACILI-
37 TIES, OR FOOD OR LIVESTOCK MAINTENANCE OR PROCESSING FACILITIES;

38 13. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
39 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE STUDY, PREVENTION,
40 MANAGEMENT, RESPONSE OR RECOVERY TO FLOODING, FIRES OR OTHER NATURAL OR
41 MAN MADE DISASTERS;

42 14. FOR THE PURPOSE OF OPERATING THE COMMERCIAL SATELLITE OR COMMER-
43 CIAL UNMANNED AERIAL VEHICLE, TO AID OR ASSIST IN THE DESIGN, TESTING,
44 CONSTRUCTION, MANUFACTURE AND/OR PRODUCTION OF SATELLITES OR UNMANNED
45 AERIAL VEHICLES BY A PERSON, CORPORATION, LIMITED LIABILITY COMPANY OR
46 ORGANIZATION IN THE REGULAR COURSE OF BUSINESS THAT DESIGNS, TESTS,
47 CONSTRUCTS, MANUFACTURES OR PRODUCES SATELLITES OR UNMANNED AERIAL VEHI-
48 CLES; OR

49 15. WITH THE WRITTEN CONSENT OF THE PERSON OF WHOM THE IMAGE OR
50 RECORDING IS TAKEN, OR WHO OWNS OR LAWFULLY OCCUPIES THE REAL PROPERTY
51 CAPTURED IN THE IMAGE OR RECORDING.

52 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE THIRD
53 DEGREE IS A CLASS E FELONY.

54 S 250.10 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE
55 SECOND DEGREE.

1 A PERSON SHALL BE GUILTY OF CRIMINAL USE OF A SATELLITE OR UNMANNED
2 AERIAL VEHICLE IN THE SECOND DEGREE, WHEN HE OR SHE INTENTIONALLY USES,
3 OPERATES, HIJACKS OR CONTROLS ANY SATELLITE OR ANY UNMANNED AERIAL VEHI-
4 CLE, WITHOUT THE PERMISSION OF THE OWNER THEREOF, IF SUCH SATELLITE OR
5 UNMANNED AERIAL VEHICLE HAS THE CAPABILITY OF CAPTURING, COLLECTING,
6 MAINTAINING, POSTING, TRANSMITTING OR BROADCASTING AN IMAGE OR RECORD-
7 ING, OR DEPLOYING, FIRING, LAUNCHING OR TRANSMITTING AN ELECTRONIC
8 SIGNAL OR KINETIC PROJECTILE, THAT CAN CAUSE HARM OR DESTRUCTION TO A
9 PERSON OR PROPERTY.

10 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE SECOND
11 DEGREE IS A CLASS D FELONY.

12 S 252.15 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE
13 FIRST DEGREE.

14 A PERSON SHALL BE GUILTY OF CRIMINAL USE OF A SATELLITE OR UNMANNED
15 AERIAL VEHICLE IN THE FIRST DEGREE, WHEN HE OR SHE INTENTIONALLY USES,
16 OPERATES, HIJACKS OR CONTROLS ANY SATELLITE OR ANY UNMANNED AERIAL VEHI-
17 CLE, WITHOUT THE PERMISSION OF THE OWNER, TO DEPLOY, FIRE, LAUNCH OR
18 TRANSMIT AN ELECTRONIC SIGNAL OR KINETIC PROJECTILE, THAT CAN CAUSE HARM
19 OR DESTRUCTION TO A PERSON OR PROPERTY.

20 CRIMINAL USE OF A SATELLITE OR UNMANNED AERIAL VEHICLE IN THE FIRST
21 DEGREE IS A CLASS C FELONY.

22 S 4. This act shall take effect on the first of November next succeed-
23 ing the date on which it shall have become a law.