S T A T E O F N E W Y O R K

3597--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. ZEBROWSKI, GOTTFRIED, JAFFEE, TITONE, MARKEY, SIMOTAS, STECK, STIRPE, DINOWITZ, MOSLEY, MONTESANO, McDONOUGH, GUNTHER, CROUCH, COLTON, PEOPLES-STOKES, GALEF, LINARES -- Multi-Sponsored by -- M. of A. ABBATE, BRAUNSTEIN, COOK, DenDEKKER, DUPREY, GLICK, HIKIND, LOPEZ, McLAUGHLIN, ROBINSON, SALADINO, SIMON -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

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

7. "DRONE" MEANS AN UNMANNED AIRCRAFT WHICH IS OPERATED REMOTELY WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

8. "RESTRICTED AIRSPACE" MEANS ANY AIRSPACE OVER THE PROPERTY OF A CORRECTIONAL FACILITY AS DEFINED IN SECTION FORTY OF THE CORRECTION LAW OR AIRSPACE WITHIN FIVE MILES OF AN AIRPORT.

9. "PERSONAL USE" MEANS THE OPERATION OF A DRONE SOLELY FOR THE PURPOSE OF PLEASURE OR RECREATION.

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

S 240.80 UNLAWFUL USE OF A DRONE.

A PERSON IS GUILTY OF UNLAWFUL USE OF A DRONE WHEN DURING THE PERSONAL USE OF SUCH DRONE, EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, HE OR SHE KNOWINGLY OPERATES A DRONE:

1. MORE THAN FOUR HUNDRED FEET ABOVE GROUND LEVEL; OR

2. WEIGHING MORE THAN TEN POUNDS; OR

3. WITHOUT A VISUAL LINE OF SIGHT OF SUCH AIRCRAFT; OR

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

LBD02681-05-5

4. WITHIN A RESTRICTED AIRSPACE; OR

5. IN A RECKLESS MANNER WHEREIN SUCH OPERATION CREATES A RISK OF HARM TO THE PUBLIC; OR

6. WITH THE INTENT TO HARASS OR ANNOY AN INDIVIDUAL OR INDIVIDUALS; OR

7. BELOW ONE HUNDRED FEET ABOVE GROUND LEVEL ON PRIVATE PROPERTY WITHOUT THE OWNER'S CONSENT.

UNLAWFUL USE OF A DRONE IS A VIOLATION.

S 3. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.