

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:

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

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

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1 4. WITHIN A RESTRICTED AIRSPACE; OR
2 5. IN A RECKLESS MANNER WHEREIN SUCH OPERATION CREATES A RISK OF HARM
3 TO THE PUBLIC; OR
4 6. WITH THE INTENT TO HARASS OR ANNOY AN INDIVIDUAL OR INDIVIDUALS; OR
5 7. BELOW ONE HUNDRED FEET ABOVE GROUND LEVEL ON PRIVATE PROPERTY WITH-
6 OUT THE OWNER'S CONSENT.
7 UNLAWFUL USE OF A DRONE IS A VIOLATION.
8 S 3. This act shall take effect on the first of November next succeed-
9 ing the date upon which it shall have become a law.