

6306

I N   S E N A T E

(PREFILED)

January 6, 2016

---

Introduced by Sen. COMRIE -- 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 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

20     4. WITHIN A RESTRICTED AIRSPACE; OR

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

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

24     7. BELOW ONE HUNDRED FEET ABOVE GROUND LEVEL ON PRIVATE PROPERTY WITH-  
25 OUT THE OWNER'S CONSENT.

26     UNLAWFUL USE OF A DRONE IS A VIOLATION.

27     S 3. This act shall take effect on the first of November next succeed-  
28 ing the date upon which it shall have become a law.

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

LBD02681-06-5