

STATE OF NEW YORK

8176--A

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. FAHY, SEAWRIGHT, DICKENS, BURDICK, GLICK, AUBRY
-- read once and referred to the Committee on Codes -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

AN ACT to amend the penal law, in relation to prohibiting the operation
of unmanned aircraft over school grounds or critical infrastructure

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

1 Section 1. The penal law is amended by adding a new section 270.45 to
2 read as follows:

3 § 270.45 Unlawfully operating an unmanned aircraft over school grounds
4 or critical infrastructure.

5 1. As used in this section:

6 (a) "Unmanned aircraft" means an aircraft operated without the possi-
7 bility of direct human intervention from within or on the aircraft.

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

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

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

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

22 (ii) a petroleum or alumina refinery;

23 (iii) a chemical or rubber manufacturing facility;

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

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1 (iv) an oil or gas pipeline;
2 (v) a petroleum or chemical storage facility; or
3 (vi) a drinking water intake structure, drinking water treatment
4 facility, wastewater treatment plant, pressure/flow regulating facility,
5 water storage tank, standpipe, water supply reservoir, pump station, or
6 wellfield.

7 2. A person is guilty of unlawfully operating an unmanned aircraft
8 over school grounds or critical infrastructure when, they intentionally
9 or knowingly:

10 (a) operate an unmanned aircraft over school grounds or critical
11 infrastructure and such unmanned aircraft is not higher than four
12 hundred feet above ground level;

13 (b) allow an unmanned aircraft to make contact with school grounds or
14 critical infrastructure, including any person or object on the premises;

15 (c) allow an unmanned aircraft to come within a distance of school
16 grounds or critical infrastructure that is close enough to interfere
17 with the operations of or cause a disturbance to the school on such
18 school grounds or to such critical infrastructure.

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

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

22 (b) a person under contract with or otherwise acting under the direc-
23 tion or on behalf of the federal government, this state, or governmental
24 entity;

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

26 (i) in the case of an unmanned aircraft being operated over school
27 grounds, the school administrator of such school grounds or his or her
28 designee; or

29 (ii) in the case of an unmanned aircraft being operated over critical
30 infrastructure, the entity responsible for the operation of such crit-
31 ical infrastructure;

32 (d) a law enforcement agency; or

33 (e) a person under contract with or otherwise acting under the direc-
34 tion or on behalf of a law enforcement agency.

35 Unlawfully operating an unmanned aircraft over school grounds or crit-
36 ical infrastructure is a class B misdemeanor for a first offense and a
37 class A misdemeanor for any subsequent offense.

38 § 2. This act shall take effect on the first of November next succeed-
39 ing the date on which it shall have become a law.