STATE OF NEW YORK

9439--A

IN SENATE

May 15, 2024

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting robots and uncrewed aircraft equipped or mounted with weapons

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

Section 1. The general business law is amended by adding a new section 396-eeee to read as follows:

§ 396-eeee. Robots and uncrewed aircraft equipped or mounted with weapons prohibited. 1. As used in this section, the following terms shall have the following meanings:

(a) "Robotic device" means a mechanical device capable of locomotion, navigation, or movement on the ground and that operates at a distance from its operator or supervisor, based on commands or in response to sensor data, artificial intelligence, or a combination thereof.

(b) "Uncrewed aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(c) "Weapon" means any device designed to threaten or cause death, incapacitation, or physical injury to any person, including but not limited to stun guns, firearms, machine guns, chemical agents or irritants, kinetic impact projectiles, weaponized lasers, flamethrowers and explosive devices.

(d) "Law enforcement" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, the enforcement of local government codes and the enforcement of penal, traffic, regulatory, game or controlled substance laws and includes an agent of the law enforcement agency.

(e) "Defense industrial company" means a company that has a contract with the United States department of defense to design, manufacture, develop, modify, upgrade, or produce a robotic device, and includes any employees or agents authorized by that defense industrial company to engage in activities relating to such a contract on its behalf.

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

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(f) "Disrupter technology" means a class of devices designed to assist in the disposal of explosives or suspected explosives.

2. It shall be unlawful for any person, whether or not acting under color of law, to manufacture, modify, sell, transfer, equip, use, or operate a robotic device or an uncrewed aircraft equipped or mounted with a weapon within the state.

3. It shall be unlawful for any person, whether or not acting under color of law, to use a robotic device or uncrewed aircraft to:

(a) commit the crime of menacing defined in section 120.15 of the penal law, or

(b) criminally harass another person in violation of section 240.25, 240.26, 240.30, 240.31, or 240.32 of the penal law.

4. It shall be unlawful for any person, whether or not acting under color of law, to use a robotic device or uncrewed aircraft to physically restrain or to attempt to physically restrain a human being within the state.

5. Any person who knowingly violates the provisions of subdivision two, three or four of this section shall be liable for a civil penalty of not less than twenty-five thousand nor more than one hundred thousand dollars. Such fine shall be imposed in addition to any other penalty prescribed by law.

6. The provisions of this section shall not apply to:

(a) a defense industrial company with respect to robotic devices and uncrewed aircraft that are within the scope of its contract with the United States department of defense; or

(b) a robotic device developer, manufacturer or producer who modifies or operates a robotic device or uncrewed aircraft equipped or mounted with a weapon for the sole purpose of developing or testing technology that is intended to detect, prevent and/or mitigate the unauthorized weaponization of a robotic device or uncrewed aircraft.

7. It shall not be a violation of this section for government officials acting in the public performance of their duties to operate a robotic device or uncrewed aircraft equipped or mounted with a weapon, explosive device, or disrupter technology, when used for the purpose of the disposal of explosives or suspected explosives, for development, evaluation, testing, education or training relating to the use of such technologies for the purpose of disposing of explosives or suspected explosives, or for the destruction of property in cases where there is an imminent, deadly threat to human life.

8. Law enforcement shall be required to obtain a warrant, or other legally required judicial authorization, prior to:

(a) deploying a robotic device onto private property in any situation in which a warrant would be required if the entry onto that property were made by a human officer; or

(b) deploying a robotic device to conduct surveillance or location tracking in any situation in which a warrant or other legally required judicial authorization would be required if such surveillance or tracking were conducted by a human officer or other technology.

9. Any information regarding the use of a robotic device by law enforcement shall be subject to release pursuant to article six of the public officers law, with such information to be made available to the public on request, pursuant to the provisions thereof.

10. The attorney general may bring an action to remedy a violation of this section.

11. (a) Any individual alleging that a violation of this section or a regulation promulgated under this section caused them injury or harm may bring a civil action in any court of competent jurisdiction.

(b) A civil action brought pursuant to this subdivision shall be directed to the agency alleged to have committed the violation or, in the case of an individual, to the person alleged to have committed the violation.

(c) In a civil action in which the plaintiff prevails, the court may award:

(i) liquidated damages of not less than five hundred dollars nor more than two thousand dollars;

(ii) punitive damages; and

(iii) any other relief, including but not limited to an injunction, that the court deems to be appropriate.

(d) In addition to any relief awarded pursuant to the previous paragraph, the court shall award reasonable attorney's fees and costs to any prevailing plaintiff.

12. The attorney general shall promulgate any rules and regulations necessary to implement the provisions of this section.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.