

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:

1 Section 1. The general business law is amended by adding a new section
2 396-eeee to read as follows:

3 § 396-eeee. Robots and uncrewed aircraft equipped or mounted with
4 weapons prohibited. 1. As used in this section, the following terms
5 shall have the following meanings:

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

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

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

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

22 (e) "Defense industrial company" means a company that has a contract
23 with the United States department of defense to design, manufacture,
24 develop, modify, upgrade, or produce a robotic device, and includes any
25 employees or agents authorized by that defense industrial company to
26 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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1 (f) "Disrupter technology" means a class of devices designed to assist
2 in the disposal of explosives or suspected explosives.

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

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

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

11 (b) criminally harass another person in violation of section 240.25,
12 240.26, 240.30, 240.31, or 240.32 of the penal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (ii) punitive damages; and

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

15 (d) In addition to any relief awarded pursuant to the previous para-
16 graph, the court shall award reasonable attorney's fees and costs to any
17 prevailing plaintiff.

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

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