STATE OF NEW YORK

8176

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Codes

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 Assembly, do enact as follows:

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

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

1. As used in this section:

(a) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

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

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

(d) "Critical infrastructure" means:

(i) an electrical power generation or delivery system;

(ii) a petroleum or alumina refinery;

(iii) a chemical or rubber manufacturing facility;

(iv) an oil or gas pipeline;

(v) a petroleum or chemical storage facility; or

(vi) a drinking water treatment or storage facility.

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

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

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

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

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

3. Nothing in this section shall apply to conduct described in subdivision two of this section when such conduct is committed by:

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

(b) a person under contract with or otherwise acting under the direction or on behalf of the federal government, this state, or governmental entity;

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

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

(ii) in the case of an unmanned aircraft being operated over critical infrastructure, the entity responsible for the operation of such critical infrastructure;

(d) a law enforcement agency; or

(e) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency.

Unlawfully operating an unmanned aircraft over school grounds or critical infrastructure is a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.