STATE OF NEW YORK

4944

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. TAPIA, BURDICK, SEAWRIGHT, GLICK, LUNSFORD -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the operation of uncrewed 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. Legislative findings and intent. The New York state legislature finds and declares that protecting the safety and security of our schools and our critical infrastructure facilities is of utmost importance. It is the intent of the legislature to respond to developments in technology to ensure that new technologies do not pose unreasonable risks to our school children or our critical infrastructure facilities. Uncrewed aircraft are often equipped with surveillance technology, including photograph and video capabilities. Thus, the operation of uncrewed aircraft has the potential to infringe on the privacy of the students, teachers, and staff on school grounds. Further, the operation of uncrewed aircraft can pose a risk to the safety and security of both schools and critical infrastructure facilities. Aerial photographs or videos of school grounds or critical infrastructure could equip nefarious actors with information about the location of critical equipment, entry and exit points, or the precise location of staff and, if applicable, students at a given time of day. Given these substantial risks, the legislature finds that an uncrewed aircraft that remains above or hovers above school grounds or critical infrastructure without permission can be presumed to be performing surveillance and, as such, poses an unreasonable security risk. It is not the intent of the legislature to restrict overflight by uncrewed aircraft traversing the space above school grounds or critical infrastructure.

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

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

LBD08523-01-5

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

1. As used in this section:

(a) "Uncrewed aircraft" means an aircraft operated without the possibility of direct human intervention from within or on such 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 any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(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 intake structure, drinking water treatment facility, wastewater treatment plant, pressure/flow regulating facility, water storage tank, standpipe, water supply reservoir, pump station, or wellfield.

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

(a) operates an uncrewed aircraft over school grounds or critical infrastructure and such uncrewed aircraft remains above or hovers above such school grounds or critical infrastructure, provided that such uncrewed aircraft is not higher than two hundred fifty feet above ground level; or

(b) allows an uncrewed aircraft to make contact with school grounds or critical infrastructure, including any person or object on the premises of such school grounds or 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, the state, or a governmental entity;

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

(i) in the case of an uncrewed aircraft being operated over school grounds, the school administrator of such school grounds or such school administrator's designee; or

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

(d) a law enforcement agency;

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

(f) a person who operates an uncrewed aircraft that traverses over school grounds or critical infrastructure when such uncrewed aircraft is:

(i) at least two hundred fifty feet above such school grounds or critical infrastructure; and

(ii) continuously flying through and is not hovering over such school grounds or critical infrastructure.

Unlawfully operating an uncrewed 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.

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