

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 324

100TH GENERAL ASSEMBLY

0778H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 217 and 632, RSMo, by adding thereto two new sections relating to the offense of unlawful use of unmanned aircraft, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 217 and 632, RSMo, are amended by adding thereto two new sections, to be known as sections 217.850 and 632.460, to read as follows:

217.850. 1. A person commits the offense of unlawful use of unmanned aircraft near a correctional center if he or she knowingly:

(1) Operates an unmanned aircraft within a vertical distance of three hundred feet, extending from the ground level, of a correctional center, or a horizontal distance to the correctional center's property line; or

(2) Allows an unmanned aircraft to make contact with a correctional center, including any person or object on the premises of or within the facility.

2. For purposes of this section, "correctional center" shall include:

(1) Any correctional center as defined in section 217.010;

(2) Any private jail as defined in section 221.095; and

(3) Any county or municipal jail.

3. The provisions of this section shall not prohibit the operation of an unmanned aircraft by:

(1) An employee of the correctional center at the direction of the chief administrative officer of the facility;

(2) A person who has written consent from the chief administrative officer of the facility;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(3) An employee of a law enforcement agency, fire department, or emergency**
19 **medical service in the exercise of official duties;**

20 **(4) A government official or employee in the exercise of official duties;**

21 **(5) A public utility or a rural electric cooperative if:**

22 **(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or**
23 **maintaining utility transmission or distribution lines, other utility equipment, or**
24 **infrastructure;**

25 **(b) The utility notifies the correctional center at least twenty-four hours before**
26 **flying the unmanned aircraft, except during an emergency; and**

27 **(c) The person operating the unmanned aircraft does not physically enter the**
28 **prohibited space without an escort provided by the correctional center; or**

29 **(6) An employee of a railroad in the exercise of official duties on any land owned**
30 **or operated by a railroad corporation regulated by the Federal Railroad Administration.**

31 **4. The offense of unlawful use of unmanned aircraft near a correctional center is**
32 **a class A misdemeanor unless the person uses an unmanned aircraft for the purpose of:**

33 **(1) Delivering a gun, knife, weapon, or other article that may be used in such**
34 **manner to endanger the life of an offender or correctional center employee, in which case**
35 **the offense is a class B felony;**

36 **(2) Facilitating an escape from confinement under section 575.210, in which case**
37 **the offense is a class C felony; or**

38 **(3) Delivering a controlled substance, as that term is defined by chapter 195, in**
39 **which case the offense is a class D felony.**

40 **5. Each correctional center shall post a sign warning of the provisions of this**
41 **section. The sign shall be at least eleven inches by fourteen inches and posted in a**
42 **conspicuous place.**

632.460. 1. A person commits the offense of unlawful use of an unmanned aircraft
2 **near a mental health hospital if he or she knowingly:**

3 **(1) Operates an unmanned aircraft within a vertical distance of three hundred feet,**
4 **extending from the ground level, of a mental health hospital, or a horizontal distance to the**
5 **mental health hospital's property line; or**

6 **(2) Allows an unmanned aircraft to make contact with a mental health hospital,**
7 **including any person or object on the premises of or within the mental health hospital.**

8 **2. For the purposes of this section, "mental health hospital" shall mean a facility**
9 **operated by the department of mental health to provide inpatient evaluation, treatment,**
10 **or care to persons suffering from a mental disorder, as defined under section 630.005,**

11 **mental illness, as defined under section 630.005, or mental abnormality, as defined under**
12 **section 632.480.**

13 **3. The provisions of this section shall not prohibit the operation of an unmanned**
14 **aircraft by:**

15 **(1) An employee of the mental health hospital at the direction of the chief operating**
16 **officer of the mental health hospital;**

17 **(2) A person who has written consent from the chief operating officer of the mental**
18 **health hospital;**

19 **(3) An employee of a law enforcement agency, fire department, or emergency**
20 **medical service in the exercise of official duties;**

21 **(4) A government official or employee in the exercise of official duties; or**

22 **(5) A public utility if:**

23 **(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or**
24 **maintaining utility transmission or distribution lines, other utility equipment, or**
25 **infrastructure;**

26 **(b) The utility notifies the mental health hospital at least twenty-four hours before**
27 **flying the unmanned aircraft, except during an emergency; and**

28 **(c) The person operating the unmanned aircraft does not physically enter the**
29 **prohibited space without an escort provided by the mental health hospital.**

30 **4. The offense of unlawful use of an unmanned aircraft near a mental health**
31 **hospital is a class A misdemeanor unless the person uses an unmanned aircraft for the**
32 **purposes of:**

33 **(1) Delivering a gun, knife, weapon, or other article that may be used in such a**
34 **manner to endanger the life of a patient or mental health hospital employee, in which case**
35 **the offense is a class B felony;**

36 **(2) Facilitating an escape from commitment or detention under section 575.195, in**
37 **which case the offense is a class D felony; or**

38 **(3) Delivering a controlled substance, as defined under chapter 195, in which case**
39 **the offense is a class D felony.**

40 **5. Each mental health hospital shall post a sign warning of the provisions of this**
41 **section. The sign shall be at least eleven inches by fourteen inches and posted in a**
42 **conspicuous place.**

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