

SECOND REGULAR SESSION

# HOUSE BILL NO. 2587

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (12).

6127H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 217.850, 577.800, and 632.575, RSMo, and to enact in lieu thereof three new sections relating to unmanned aircraft, with penalty provisions and an emergency clause.

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

Section A. Sections 217.850, 577.800, and 632.575, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 217.850, 577.800, and 632.575, to read as follows:

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

3 (1) Operates an unmanned aircraft within a vertical distance of four hundred feet over 4 a correctional center's secure perimeter fence; or

5 (2) Allows an unmanned aircraft to make contact with a correctional center, including 6 any person or object on the premises of or within the facility.

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

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

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

10 (3) Any county or municipal jail.

11 3. The provisions of this section shall not prohibit the operation of an unmanned 12 aircraft by:

13 (1) An employee of the correctional center at the direction of the chief administrative 14 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.

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

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

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

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

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

24                   (b) The utility notifies the correctional center before flying the unmanned aircraft,  
25 except during an emergency; and

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

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

30                   (7) A person operating an unmanned aircraft pursuant to and in compliance with any  
31 waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.

32                  4. The offense of unlawful use of unmanned aircraft over a correctional center shall  
33 be punishable as an infraction unless the person uses an unmanned aircraft for the purpose of:

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

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

39                   (3) Delivering a controlled substance, as that term is defined under section 195.010,  
40 in which case the offense is a class D felony.

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

43                  6. **A law enforcement officer may take necessary mitigation measures in a  
44 manner consistent with the Constitution of Missouri against an imminent threat posed  
45 by an unmanned aircraft system to public safety or when the unmanned aircraft system is  
46 involved in criminal activity. Such measures may include, but are not limited to, the  
47 following:**

48                   (1) **The use of detection, tracking, and identification methods; and**

49                   (2) **The interception or disabling of an unmanned aircraft system including, but  
50 not limited to, jamming, hacking, use of force, or physical force.**

577.800. 1. A person commits the offense of unlawful use of unmanned aircraft over  
2 an open-air facility **or critical infrastructure facility** if he or she purposely:

3 (1) Operates an unmanned aircraft within a vertical distance of four hundred feet from  
4 the ground and within the property line of an open-air facility; **[or]**

5 (2) Uses an unmanned aircraft with the purpose of delivering to a person within an  
6 open-air facility any object described in subdivision (1) or (2) of subsection 4 of this section;

7 (3) **Uses an unmanned aircraft within the boundary of any critical infrastructure**  
8 **facility; or**

9 (4) **Operates an unmanned aircraft within a vertical distance of four hundred**  
10 **feet from the ground and within the property line of critical infrastructure in**  
11 **furtherance of any violation of criminal law.**

12 2. For purposes of this section, "open-air facility" shall mean any sports, theater,  
13 music, performing arts, or other entertainment facility with a capacity of five **[thousand]**  
14 **hundred** people or more and not completely enclosed by a roof or other structure. **For**  
15 **purposes of this section, "critical infrastructure facility" shall have the same meaning as**  
16 **section 569.086.**

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

19 (1) An employee of an open-air facility **or critical infrastructure facility** at the  
20 direction of the president or chief executive officer of the open-air facility **or critical**  
21 **infrastructure facility;**

22 (2) A person who has written consent from the president or chief executive officer of  
23 the open-air facility **or critical infrastructure facility;**

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

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

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

28 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or  
29 maintaining utility transmission or distribution lines or other utility equipment or  
30 infrastructure;

31 (b) The utility or cooperative notifies the open-air facility **or critical infrastructure**  
32 **facility** before flying the unmanned aircraft, except during an emergency; and

33 (c) The person operating the unmanned aircraft does not physically enter the  
34 prohibited space without an escort provided by the open-air facility **or critical infrastructure**  
35 **facility; or**

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

38       4. The offense of unlawful use of unmanned aircraft over an open-air facility **or**  
39 **critical infrastructure facility** shall be punishable as an infraction unless the person uses an  
40 unmanned aircraft for:

41       (1) Delivering a gun, knife, weapon, or other article, **including any explosive device**  
42 **or material**, that may be used in such manner to endanger the life of an employee or guest at  
43 an open-air facility **or critical infrastructure facility**, in which case the offense is a class B  
44 felony; or

45       (2) Delivering a controlled substance, as that term is defined under section 195.010,  
46 in which case the offense is a class D felony.

47       5. Each open-air facility **or critical infrastructure facility** shall post a sign warning  
48 of the provisions of this section. The sign shall be at least eleven inches by fourteen inches  
49 and posted in a conspicuous place.

50       6. **A law enforcement officer may take necessary mitigation measures in a**  
51 **manner consistent with the Constitution of Missouri against an imminent threat posed**  
52 **by an unmanned aircraft system to public safety or when the unmanned aircraft system is**  
53 **involved in criminal activity. Such measures may include, but are not limited to, the**  
54 **following:**

55       (1) **The use of detection, tracking, and identification methods; and**

56       (2) **The interception or disabling of an unmanned aircraft system including, but**  
57 **not limited to, jamming, hacking, use of force, or physical force.**

632.575. 1. A person commits the offense of unlawful use of unmanned aircraft over  
2 a mental health hospital if he or she purposely:

3       (1) Operates an unmanned aircraft within a vertical distance of four hundred feet over  
4 the mental health hospital's property line; or

5       (2) Uses an unmanned aircraft to deliver to a person confined in a mental health  
6 hospital any object described in subdivision (1) or (3) of subsection 6 of this section.

7       2. For the purposes of subsection 1 of this section, vertical distance extends from  
8 ground level.

9       3. For purposes of this section, "mental health hospital" shall mean a facility operated  
10 by the department of mental health to provide inpatient evaluation, treatment, or care to  
11 persons suffering from a mental disorder, as defined under section 630.005; mental illness, as  
12 defined under section 630.005; or mental abnormality, as defined under section 632.480.

13       4. 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  
16 administrative officer of the mental health hospital;

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

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

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

26                   (b) The utility notifies the mental health hospital before flying the unmanned aircraft,  
27 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                   (6) An employee of a railroad in the exercise of official duties on any land owned or  
31 operated by a railroad corporation regulated by the Federal Railroad Administration; or

32                   (7) A person operating an unmanned aircraft pursuant to and in compliance with any  
33 waiver issued by the Federal Aviation Authority under 14 CFR Section 107.200.

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

37               6. The offense of unlawful use of unmanned aircraft over a mental health hospital  
38 shall be punishable as an infraction unless the person uses an unmanned aircraft for the  
39 purpose of:

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

43                   (2) Facilitating an escape from commitment or detention under section 575.195, in  
44 which case the offense is a class C felony; or

45                   (3) Delivering a controlled substance, as that term is defined under section 195.010,  
46 in which case the offense is a class D felony.

47               7. **A law enforcement officer may take necessary mitigation measures in a  
48 manner consistent with the Constitution of Missouri against an imminent threat posed  
49 by an unmanned aircraft system to public safety or when the unmanned aircraft system is  
50 involved in criminal activity. Such measures may include, but are not limited to, the  
51 following:**

52                   (1) The use of detection, tracking, and identification methods; and

53           **(2) The interception or disabling of an unmanned aircraft system including, but**  
54 **not limited to, jamming, hacking, use of force, or physical force.**

Section B. Because immediate action is necessary to address the urgent need of  
2 Missouri law enforcement agencies to be able to ensure and provide for the safety and  
3 security of Missouri residents from the threat that weaponized unmanned aircraft systems  
4 present to Missouri, the repeal and reenactment of sections 217.850, 577.800, and 632.575 of  
5 section A of this act is deemed necessary for the immediate preservation of the public health,  
6 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning  
7 of the constitution, and the repeal and reenactment of sections 217.850, 577.800, and 632.575  
8 of this act shall be in full force and effect upon its passage and approval.

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