

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2587

103RD GENERAL ASSEMBLY

6127S.03C

KRISTINA MARTIN, Secretary

AN ACT

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

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

Section A. Section 577.800, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 577.800, 589.900, and 589.902, to read as follows:

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

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

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

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

13 (4) **Operates an unmanned aircraft within a vertical**
14 **distance of four hundred feet from the ground and within the**
15 **property line of a critical infrastructure facility in**
16 **furtherance of any violation of criminal law.**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

26 (1) An employee, **owner, or operator** of an open-air
27 facility [at the direction of the president or chief
28 executive officer of the open-air facility] **or critical**
29 **infrastructure facility for the purpose of monitoring,**
30 **inspecting, operating, or maintaining the facility;**

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

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

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

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

41 (a) The unmanned aircraft is used for the purpose of
42 inspecting, repairing, or maintaining utility transmission
43 or distribution lines or other utility equipment or
44 infrastructure;

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

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

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

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

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

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

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

71 6. **This section shall not apply to an operator of an**
72 **unmanned aircraft that is being used for a commercial**
73 **purpose that is otherwise operating lawfully, provided the**
74 **operator is authorized by the Federal Aviation**
75 **Administration to conduct lawful operations in that airspace.**

2 589.900. 1. For the purposes of sections 589.900 to
3 589.902, the following terms mean:

4 (1) "Authorized individuals", peace officers, as
5 defined in section 590.010, who are certified in accordance

5 with federal requirements, including the Homeland Security
6 Act of 2002, Pub. L. 107-296, as amended, when applicable,
7 to conduct unmanned aircraft and unmanned aerial system
8 mitigation;

9 (2) "Mitigate", any of the following actions:

10 (a) During the operation of an unmanned aircraft
11 system, to detect, identify, monitor, or track the unmanned
12 aircraft system or unmanned aircraft, without prior consent,
13 including by means of intercept or other access of a wire
14 communication, an oral communication, or an electronic
15 communication used to control the unmanned aircraft system
16 or unmanned aircraft;

17 (b) To warn the operator of the unmanned aircraft
18 system or unmanned aircraft, including by passive or active
19 and direct or indirect physical, electronic, radio, or
20 electromagnetic means, or through the use of remote
21 identification broadcast or other means;

22 (c) To disrupt control of the unmanned aircraft system
23 or unmanned aircraft, without prior consent, including by
24 disabling the unmanned aircraft system or unmanned aircraft
25 by intercepting, interfering, or causing interference with
26 wire, oral, electronic, or radio communications used to
27 control the unmanned aircraft system or unmanned aircraft;

28 (d) To seize or exercise control of the unmanned
29 aircraft system or unmanned aircraft; or

30 (e) To use reasonable force, if necessary, to disable,
31 damage, or destroy the unmanned aircraft system or unmanned
32 aircraft.

33 2. The terms "unmanned aircraft" and "unmanned
34 aircraft system" shall have the meanings given such terms in
35 49 U.S.C. Section 44801.

589.902. 1. To the greatest extent permissible under applicable federal law, including the Homeland Security Act of 2002, Pub. L. 107-296, as amended, authorized individuals in this state shall be empowered to take necessary action to mitigate a credible threat that an unmanned aircraft or unmanned aircraft system poses to the safety or security of people, facilities, assets, a venue or set of venues used for large-scale public gatherings or events, critical infrastructure, or correctional facilities.

2. Nothing in this section shall be construed to limit the power of a law enforcement officer in this state to seize an unmanned aircraft system or unmanned aircraft in the course of their duties. A law enforcement officer may use all lawful means to effect such a seizure, which may include the use of mitigation techniques where permissible.

3. Any unmanned aircraft system or unmanned aircraft seized under this section or in connection with a criminal act shall be subject to forfeiture under section 513.607.

4. Nothing in this section shall be construed to permit the jamming of or interference with any signal, except in accordance with all applicable federal laws, rules, and regulations, including, but not limited to, the Homeland Security Act of 2002, Pub. L. 107-296, as amended.

Section B. Because immediate action is necessary to address the urgent need of Missouri law enforcement agencies to be able to ensure and provide for the safety and security of Missouri residents from the threat that weaponized unmanned aircraft systems present to Missouri, the enactment of sections 589.900 and 589.902 and the repeal and reenactment of section 577.800 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared

10 to be an emergency act within the meaning of the
11 constitution, and the enactment of sections 589.900 and
12 589.902 and the repeal and reenactment of section 577.800 of
13 this act shall be in full force and effect upon its passage
14 and approval.

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