

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1142

1 AN ACT TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A PERSON TO
 2 USE AN UNMANNED AIRCRAFT SYSTEM TO CONDUCT SURVEILLANCE OF, GATHER
 3 EVIDENCE OR COLLECT INFORMATION ABOUT, OR PHOTOGRAPHICALLY OR
 4 ELECTRONICALLY RECORD A CORRECTIONAL FACILITY; TO DEFINE THE TERM
 5 "UNMANNED AIRCRAFT SYSTEM"; TO PROVIDE CERTAIN GRADUATED PENALTIES
 6 FOR THE UNLAWFUL USE OF AN UNMANNED AIRCRAFT SYSTEM AS PROVIDED
 7 UNDER THIS ACT; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO
 8 PETITION THE FEDERAL AVIATION ADMINISTRATION (FAA) IN ORDER TO
 9 MARK CERTAIN BOUNDARIES AS THEY RELATE TO THE ENFORCEMENT OF THIS
 10 ACT; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PROVIDE THE
 11 DEPARTMENT OF TRANSPORTATION A LIST OF ALL CORRECTIONAL FACILITIES
 12 UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** As used under this act "unmanned aircraft system"
 15 means an unmanned, powered aircraft that does not carry a human
 16 operator, can be autonomous or remotely piloted or operated, and
 17 can be expendable or recoverable.

18 An unmanned aircraft system does not include any of the
 19 following: an unmanned aircraft system used by a person,
 20 affiliate, employee, agent, or contractor of any business which is
 21 regulated by the Mississippi Public Service Commission or by a
 22 local franchising authority or the Federal Communications
 23 Commission under the Cable Television Consumer Protection and



24 Competition Act of 1992 or of a municipal or public utility, while
25 acting in the course and scope of his employment or agency
26 relating to the operation, repair, or maintenance of a facility,
27 servitude, or any property located on the immovable property which
28 belongs to such a business.

29 **SECTION 2.** The unlawful use of an unmanned aircraft system
30 is as follows:

31 (a) The intentional use of an unmanned aircraft system
32 to conduct surveillance of, gather evidence or collect information
33 about, or photographically or electronically record a targeted
34 correctional facility without the prior written consent of the
35 person in charge of that state or local jail, prison, or other
36 correctional facility.

37 (b) The intentional use of an unmanned aircraft system
38 over the grounds of a state or local jail, prison, or other
39 correctional facility that incarcerates or detains juveniles or
40 adults accused of, convicted of, sentenced for, or adjudicated
41 delinquent for violations of criminal law without the express
42 written consent of the person in charge of that state or local
43 jail, prison, or other correctional facility.

44 No person, entity, or state agency shall use an unmanned
45 aircraft system within either a horizontal distance of five
46 hundred (500) feet, or a vertical distance of two hundred fifty
47 (250) feet from any local confinement facility, or state or
48 federal correctional facility. For the purpose of this section,



49 horizontal distance shall extend outward from the furthest
50 exterior building walls, perimeter fences, and
51 permanent fixed perimeter, or from another boundary clearly marked
52 with posted notices. Posted notices shall be conspicuously posted
53 along a marked boundary and comply with Department of
54 Transportation guidelines.

55 **SECTION 3.** This act shall not apply to the following:

56 (a) Any person operating an unmanned aircraft vehicle
57 or unmanned aircraft system in compliance with federal law or
58 Federal Aviation Administration authorization or regulations with
59 written consent from the official in responsible charge of the
60 facility.

61 (b) The operation of an unmanned aircraft by
62 institutions of higher education conducting research, extension
63 and teaching programs in association with university sanctioned
64 initiatives.

65 (c) A law enforcement officer using an unmanned
66 aircraft system.

67 (d) A public utility, a provider, or a commercial
68 entity, provided that the public utility, provider, or commercial
69 entity complies with all of the following:

70 (i) The unmanned aircraft system must not be used
71 within either a horizontal distance of one hundred fifty (150)
72 feet, or within a vertical distance of one hundred fifty (150)



73 feet from any local confinement facility or state or federal
74 correctional facility.

75 (ii) Notifies the official in responsible charge
76 of the facility at least twenty-four (24) hours prior to operating
77 the unmanned aircraft system. A commercial entity operating and
78 pursuant to the provisions of this subdivision is exempt from the
79 twenty-four-hour notice requirement.

80 (iii) Uses the unmanned aircraft system for the
81 purpose of inspecting public utility or provider transmission
82 lines, equipment, or communication infrastructure or for another
83 purpose directly related to the business of the public utility,
84 provider, or commercial entity.

85 (iv) Uses the unmanned aircraft system for
86 commercial purposes pursuant to and in compliance with Federal
87 Aviation Administration regulations, authorizations, or
88 exemptions.

89 (v) The person operating the unmanned aircraft
90 system does not physically enter the prohibited space without an
91 escort from the facility.

92 (e) An emergency management agency, emergency medical
93 services personnel, firefighters, and law enforcement officers,
94 when using an unmanned aircraft system in response to an
95 emergency.

96 **SECTION 4.** (1) Whoever commits the crime of unlawful use of
97 an unmanned aircraft system as provided in Section 2(a) of this



98 act shall be fined not more than Five Hundred Dollars (\$500.00),
99 or imprisoned for not more than six (6) months, or both.

100 (2) On a conviction for a second or subsequent offense as
101 provided in Section 2(a) of this act, the offender shall be fined
102 not less than Five Hundred Dollars (\$500.00) nor more than Two
103 Thousand Dollars (\$2,000.00), or imprisoned, with or without hard
104 labor, for not less than six (6) months nor more than one (1)
105 year, or both.

106 (3) Whoever commits the crime of unlawful use of an unmanned
107 aircraft system as provided in Section 2(b) of this act shall be
108 fined not more than Five Hundred Dollars (\$500.00), or imprisoned
109 for not more than six (6) months, or both.

110 (4) On a conviction for a second or subsequent offense as
111 provided in Section 2(b) of this act, the offender shall be fined
112 not less than Five Hundred Dollars (\$500.00) nor more than Two
113 Thousand Dollars (\$2,000.00), or imprisoned, with or without hard
114 labor, for not less than six (6) months nor more than one (1)
115 year, or both.

116 (5) A law enforcement agency may seize an unmanned aircraft
117 system and any attached property, weapons, and contraband used in
118 violation of this section. An unmanned aircraft system used in
119 violation of this section and seized by a law enforcement agency
120 is subject to forfeiture and disposition. An innocent owner or
121 holder of a security interest applying to the court for release of
122 the unmanned aircraft system shall also provide proof of ownership



123 or security interest and written certification that the unmanned
124 aircraft system will not be returned to the person who was charged
125 with violating any provision of Section 2 of this act. The court
126 shall forfeit and dispose of any other property, weapons, or
127 contraband seized by a law enforcement agency in connection with a
128 violation of this act, or any combination thereof.

129 **SECTION 5.** For the purpose of restricting the operation of
130 an unmanned aircraft system in accordance with Section 2 of this
131 act, the Department of Transportation shall petition the Federal
132 Aviation Administration (FAA) to designate any local confinement
133 facility, or state or federal correctional facility in the state
134 as a fixed site facility, pursuant to rules and regulations
135 adopted pursuant to Section 2209 of the FAA Extension, Safety, and
136 Security Act of 2016, Public Law No. 114-190. The Department of
137 Transportation shall follow all guidance from the FAA in
138 submitting and processing the petition. The Department of
139 Transportation shall publish designations by the FAA in accordance
140 with this act on the website of the Department of Transportation.
141 At the request of the Department of Transportation, the Department
142 of Corrections shall provide to the Department of Transportation a
143 list of all confinement facilities, including facility location
144 and a contact person for each facility.

145 **SECTION 6.** The Department of Transportation shall develop
146 guidelines for the content and dimensions for posted notices to
147 mark boundaries in accordance with this act.



148 **SECTION 7.** This act shall take effect and be in force from
149 and after July 1, 2018.

