

By: Senator(s) Wiggins

To: Judiciary, Division B;
Highways and Transportation

SENATE BILL NO. 2282

1 AN ACT TO REGULATE UNMANNED AIRCRAFT SYSTEMS; TO PROVIDE
 2 DEFINITIONS; TO PROVIDE CAUSES OF ACTION IN TORT FOR UNLAWFUL USE
 3 OF UNMANNED AIRCRAFT SYSTEMS; TO PROVIDE FOR CRIMINAL USE OF
 4 UNMANNED AIRCRAFT SYSTEMS; TO PROHIBIT CREATION OF PRESCRIPTIVE
 5 RIGHTS; TO PREEMPT LOCAL GOVERNMENTS FROM REGULATING THE OPERATION
 6 OF NONRECREATIONAL UNMANNED AIRCRAFT SYSTEMS; TO PROVIDE
 7 EXCEPTIONS FOR LAW ENFORCEMENT AND PUBLIC AGENCY OPERATIONS; TO
 8 PROVIDE FOR EMERGENCY IMMUNITY FOR DAMAGES; TO PROHIBIT SABOTAGE
 9 OR DESTRUCTION OF PUBLIC SERVICE UNMANNED AIRCRAFT SYSTEMS; TO
 10 AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972, TO INCLUDE
 11 UNMANNED AIRCRAFT SYSTEMS; TO PROVIDE STANDARDS FOR THE OPERATION
 12 OF UNMANNED AIRCRAFT SYSTEMS BY PUBLIC AGENCIES; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** This act shall be known and referred to as the
 16 "Mississippi Unmanned Aircraft Systems Act of 2020."

17 **SECTION 2.** For the purposes of this act, unless otherwise
 18 specified, the following words shall have the meaning ascribed
 19 herein unless the context otherwise requires:

20 (a) "Commission" means the Mississippi Transportation
 21 Commission.

22 (b) "Department" means the Mississippi Department of
 23 Transportation.



24 (c) An "unmanned aircraft" means an aircraft that is
25 constructed or operated without the possibility of direct human
26 intervention from within or on the aircraft, including every
27 object that is on board or otherwise attached to the aircraft, or
28 carried or operated during flight, regardless of weight. For the
29 purposes of this act, this term is synonymous with the term
30 "drone."

31 (d) An "unmanned aircraft system" means an unmanned
32 aircraft and all associated elements, including, but not limited
33 to, communication links, sensing devices and components that
34 control the unmanned aircraft.

35 **SECTION 3. Torts and crimes generally.** (1) This act
36 applies to the operations of all unmanned aircraft systems and the
37 acts of those who own, control or operate such systems, or are
38 affected by such operations.

39 (2) An unmanned aircraft system is an instrumentality by
40 which a tort can be committed under the laws of this state.

41 (3) An unmanned aircraft system is an instrumentality by
42 which a crime can be committed under the laws of this state.

43 (4) The criminal statutes of this state shall apply to any
44 person who owns, controls or operates unmanned aircraft within
45 this state, or to any other person liable under the criminal laws
46 of this state.

47 **SECTION 4. Prescriptive right.** Repeated or continual
48 operation of an unmanned aircraft over a landowner's or lessee's



49 real property does not create a prescriptive right in the
50 airspace.

51 **SECTION 5. County and municipal preemption.** Except as
52 expressly authorized by statute, a political subdivision shall not
53 enact or enforce an ordinance, resolution, regulation or policy
54 that regulates the ownership or operation of nonrecreational
55 unmanned aircraft or otherwise engage in the regulation of the
56 ownership or operation of nonrecreational unmanned aircraft
57 systems. Any ordinance, resolution, regulation or policy of any
58 county or municipality of this state regulating the ownership or
59 operation of nonrecreational unmanned aircraft shall be deemed
60 preempted and shall be null, void and of no force or effect.

61 **SECTION 6. Law enforcement and public agency operation.**
62 Nothing in this act shall be deemed to prohibit the operation of
63 an unmanned aircraft system by a law enforcement agency for any
64 lawful purposes in this state. A public agency may operate an
65 unmanned aircraft system only if the public agency operates the
66 unmanned aircraft system in accordance with the rules and
67 regulations adopted by the Federal Aviation Administration.

68 **SECTION 7. Emergency responder immunity.** (1) An emergency
69 responder and his or her employer or employing agency shall be
70 immune from civil liability for any damage caused by an unmanned
71 aircraft or unmanned aircraft system if:

72 (a) Such damage was caused while the emergency
73 responder was engaged in providing emergency services; and



74 (b) The emergency responder reasonably believed that
75 the unmanned aircraft was interfering with the provision of such
76 emergency services.

77 (2) For the purposes of this section:

78 (a) Emergency responder includes, but is not limited
79 to, a law enforcement officer, a firefighter, an ambulance driver
80 and emergency medical personnel. Emergency responder includes any
81 full-time or part-time paid, volunteer or auxiliary employee of
82 this state or another state, of any division of this state or
83 another state, of the federal government, or of any agency or
84 organization performing emergency management services in this
85 state subject to the order or control of, or pursuant to a request
86 of, a state, a division or the federal government; and

87 (b) Emergency services includes, but is not limited to,
88 firefighting services, police services, medical and health
89 services, search and rescue services, emergency hazardous
90 materials response, emergency evacuation of persons, emergency
91 welfare services, emergency transportation services, restoration
92 of public utility services, and other functions related to the
93 protection of the public.

94 **SECTION 8. Sabotage or destruction.** (1) It shall be
95 unlawful for a person to purposefully or knowingly sabotage,
96 damage or intend to sabotage or damage an unmanned aircraft system
97 operated by a law enforcement, emergency service or fire



98 department, or any other public agency, including an unmanned
99 aircraft system operated on behalf of the agency.

100 (2) Any person who violates subsection (1) of this section
101 is guilty of a felony and shall be punished by confinement in the
102 custody of the Department of Corrections for not less than three
103 (3) years nor more than fifteen (15) years, a fine of not more
104 than Twenty-five Thousand Dollars (\$25,000.00), or both.

105 **SECTION 9.** Section 97-3-107, Mississippi Code of 1972, is
106 amended as follows:

107 97 3 107. (1) (a) Any person, including any person
108 operating an unmanned aircraft system, who purposefully engages in
109 a course of conduct directed at a specific person, or who makes a
110 credible threat, and who knows or should know that the conduct
111 would cause a reasonable person to fear for his or her own safety,
112 to fear for the safety of another person, or to fear damage or
113 destruction of his or her property, is guilty of the crime of
114 stalking.

115 (b) A person who is convicted of the crime of stalking
116 under this section shall be punished by imprisonment in the county
117 jail for not more than one (1) year or by a fine of not more than
118 One Thousand Dollars (\$1,000.00), or by both such fine and
119 imprisonment.

120 (c) Any person who is convicted of a violation of this
121 section when there is in effect at the time of the commission of
122 the offense a valid temporary restraining order, ex parte



123 protective order, protective order after hearing, court approved
124 consent agreement, or an injunction issued by a municipal,
125 justice, county, circuit or chancery court, federal or tribal
126 court or by a foreign court of competent jurisdiction prohibiting
127 the behavior described in this section against the same party,
128 shall be punished by imprisonment in the county jail for not more
129 than one (1) year and by a fine of not more than One Thousand Five
130 Hundred Dollars (\$1,500.00).

131 (2) (a) A person who commits acts that would constitute the
132 crime of stalking as defined in this section is guilty of the
133 crime of aggravated stalking if any of the following circumstances
134 exist:

135 (i) At least one (1) of the actions constituting
136 the offense involved the use or display of a deadly weapon with
137 the intent to place the victim of the stalking in reasonable fear
138 of death or great bodily injury to self or a third person;

139 (ii) Within the past seven (7) years, the
140 perpetrator has been previously convicted of stalking or
141 aggravated stalking under this section or a substantially similar
142 law of another state, political subdivision of another state, of
143 the United States, or of a federally recognized Indian tribe,
144 whether against the same or another victim; or

145 (iii) At the time of the offense, the perpetrator
146 was a person required to register as a sex offender pursuant to



147 state, federal, military or tribal law and the victim was under
148 the age of eighteen (18) years.

149 (b) Aggravated stalking is a felony punishable as
150 follows:

151 (i) Except as provided in subparagraph (ii), by
152 imprisonment in the custody of the Department of Corrections for
153 not more than five (5) years and a fine of not more than Three
154 Thousand Dollars (\$3,000.00).

155 (ii) If, at the time of the offense, the
156 perpetrator was required to register as a sex offender pursuant to
157 state, federal, military or tribal law, and the victim was under
158 the age of eighteen (18) years, by imprisonment for not more than
159 six (6) years in the custody of the Department of Corrections and
160 a fine of Four Thousand Dollars (\$4,000.00).

161 (3) Upon conviction, the sentencing court shall consider
162 issuance of an order prohibiting the perpetrator from any contact
163 with the victim. The duration of any order prohibiting contact
164 with the victim shall be based upon the seriousness of the facts
165 before the court, the probability of future violations, and the
166 safety of the victim or another person.

167 (4) Every conviction of stalking or aggravated stalking may
168 require as a condition of any suspended sentence or sentence of
169 probation that the defendant, at his own expense, submit to
170 psychiatric or psychological counseling or other such treatment or
171 behavioral modification program deemed appropriate by the court.



172 (5) In any prosecution under this section, it shall not be a
173 defense that the perpetrator was not given actual notice that the
174 course of conduct was unwanted or that the perpetrator did not
175 intend to cause the victim fear.

176 (6) When investigating allegations of a violation of this
177 section, law enforcement officers shall utilize the Uniform
178 Offense Report prescribed by the Office of the Attorney General in
179 consultation with the sheriffs' and police chiefs' associations.
180 However, failure of law enforcement to utilize the Uniform Offense
181 Report shall in no way invalidate the crime charged under this
182 section.

183 (7) For purposes of venue, any violation of this section
184 shall be considered to have been committed in any county in which
185 any single act was performed in furtherance of a violation of this
186 section. An electronic communication shall be deemed to have been
187 committed in any county from which the electronic communication is
188 generated or in which it is received.

189 (8) For the purposes of this section:

190 (a) "Course of conduct" means a pattern of conduct
191 composed of a series of two (2) or more acts over a period of
192 time, however short, evidencing a continuity of purpose and that
193 would cause a reasonable person to fear for his or her own safety,
194 to fear for the safety of another person, or to fear damage or
195 destruction of his or her property. Such acts may include, but
196 are not limited to, the following or any combination thereof,



197 whether done directly or indirectly: (i) following or confronting
198 the other person in a public place or on private property against
199 the other person's will; (ii) contacting the other person by
200 telephone or mail, or by electronic mail or communication as
201 defined in Section 97-45-1; or (iii) threatening or causing harm
202 to the other person or a third party.

203 (b) "Credible threat" means a verbal or written threat
204 to cause harm to a specific person or to cause damage to property
205 that would cause a reasonable person to fear for the safety of
206 that person or damage to the property.

207 (c) "Reasonable person" means a reasonable person in
208 the victim's circumstances.

209 (9) The incarceration of a person at the time the threat is
210 made shall not be a bar to prosecution under this section.
211 Constitutionally protected activity is not prohibited by this
212 section.

213 **SECTION 10. Duties of commission and support.** (1) The
214 commission shall have the following duties:

215 (a) To provide advice to other departments and agencies
216 of this state concerning the use of unmanned aircraft systems and
217 related technology;

218 (b) To provide advice to the public concerning the
219 following:

220 (i) Regulation of unmanned aircraft systems by the
221 federal government and by this state;



222 (ii) Safe operating principles for unmanned
223 aircraft systems;

224 (iii) Restrictions on the use of unmanned aircraft
225 systems; and

226 (iv) Any other matters within the scope of the
227 commission's authority under this act;

228 (c) To provide education and information to departments
229 and agencies of this state, political subdivisions, and the
230 general public about unmanned aircraft systems;

231 (d) To receive and consider comments from persons in
232 this state who are interested in or affected by the use of
233 unmanned aircraft systems.

234 (2) The departments and agencies of this state shall provide
235 support to the commission as necessary and as requested for the
236 commission to perform its duties under this act. In addition to
237 the commission's provision of support through its department, the
238 following agencies shall provide primary support to the
239 commission:

240 (a) The Department of Public Safety;

241 (b) The Department of Wildlife, Fisheries and Parks;

242 (c) The Department of Corrections; and

243 (d) The Department of Agriculture and Commerce.

244 (3) The commission shall direct its department to study a
245 "Commercial Drone Airway" in Class G airspace, above which



246 nonrecreational unmanned aircraft systems shall be permitted to
247 operate without interference of recreational unmanned aircraft.

248 **SECTION 11.** The provisions of this act shall apply unless
249 preempted by applicable federal law or by regulations adopted by
250 the Federal Aviation Administration.

251 **SECTION 12.** This act shall take effect and be in force from
252 and after July 1, 2020.

