

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 291

1 AN ACT TO CREATE THE MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS
 2 PROTECTION ACT OF 2021; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE
 3 THAT A PERSON COMMITS THE OFFENSE OF UNLAWFUL USE OF AN UNMANNED
 4 AIRCRAFT SYSTEM, ALSO KNOWN AS A DRONE, WHEN COLLECTING CERTAIN
 5 INFORMATION WITHOUT RECEIVING WRITTEN CONSENT FROM A CORRECTIONAL
 6 FACILITY OR CRITICAL INFRASTRUCTURE SITE OR WHEN DELIVERING
 7 CONTRABAND USING A DRONE TO INTRODUCE CONTRABAND INTO A
 8 CORRECTIONAL FACILITY; TO PROVIDE CERTAIN PENALTIES FOR
 9 INDIVIDUALS CONVICTED OF SUCH OFFENSE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be referred to as
 12 the "Mississippi Unmanned Aircraft Systems Protection Act of
 13 2021."

14 **SECTION 2.** For the purposes of this act, unless otherwise
 15 specified, the following terms shall have the following meanings:

- 16 (a) "Correctional facility" means any of the following:
- 17 (i) Confinement facility operated or contracted by
 - 18 the Mississippi Department of Corrections;
 - 19 (ii) Confinement facility operated or contracted
 - 20 by the Federal Department of Prisons;
 - 21 (iii) Municipality or county jail;



22 (iv) Confinement facility operated or contracted
23 by the Federal Department of Prisons; or

24 (v) Public or private youth detention facility.

25 (b) "Critical infrastructure" means any of the
26 following, whether public or private:

27 (i) Petroleum refinery or storage location;

28 (ii) Electrical power generation facility,
29 substation, switching station or electrical control center;

30 (iii) Chemical manufacturing facility;

31 (iv) Water intake structure, water treatment
32 facility or pumping station;

33 (v) Natural gas terminal or compressor station;

34 (vi) Telecommunications control stations, towers,
35 or any structure that provides wire or wireless communication
36 services;

37 (vii) Port, railroad switch yard, trucking
38 terminal or other freight transportation facility;

39 (viii) Gas processing facility;

40 (ix) Commercial transport vessel operating on any
41 inland waterway or ocean;

42 (x) Military installation owned by the federal or
43 state government;

44 (xi) Entity contracted by the Department of
45 Defense or Mississippi Military Department to produce defense
46 products;



47 (xii) Any other facility completely enclosed by a
48 fence or physical barrier designed to exclude intrusion; or

49 (xiii) Any other facility marked with a sign or
50 signs that are posed on the property.

51 (c) "Unmanned aircraft" means an aircraft that in
52 constructed or operated without the possibility of direct human
53 intervention from within or on the aircraft, including every
54 object that is on board or otherwise attached to the aircraft, or
55 carried or operated during flight, regardless of weight. For
56 purposes of this act, this term is synonymous with the term
57 "drone."

58 (d) "Unmanned aircraft system" means an unmanned
59 aircraft and all associated elements, including, but not limited
60 to, communication links, sensing devices and components that
61 control the unmanned aircraft.

62 **SECTION 3.** A person commits the offense of unlawful use of
63 an unmanned aircraft system if he or she knowingly:

64 (a) Uses an unmanned aircraft system to conduct
65 surveillance of, collect information or data, or photographically
66 or electronically record a critical infrastructure or correctional
67 facility without the prior written consent of the owner, or
68 his/her designee, of the critical infrastructure or correctional
69 facility; or

70 (b) Delivers or attempts to deliver contraband using an
71 Unmanned Aerial System (UAS) on a correctional facility property



72 or adjacent property for the purpose of introducing contraband
73 into a correctional facility.

74 **SECTION 4.** Nothing in this act shall be deemed to prohibit
75 the operation of an unmanned aircraft system by a law enforcement
76 agency for any lawful purpose in this state. A public agency or
77 contractor may operate an unmanned aircraft system only if the
78 public agency or contracted entity operates the unmanned aircraft
79 system in accordance with written permission required under
80 Section 3(a) of this act and with the rules and regulations
81 adopted by the Federal Aviation Administration.

82 **SECTION 5.** (1) Any person who is convicted of Section 3(a)
83 under this act shall be guilty of a misdemeanor, punishable up to
84 one (1) year in prison and/or a fine not to exceed One Thousand
85 Dollars (\$1,000.00) for the first offense. A second or subsequent
86 offense is subject to a felony, punishable by a maximum penalty of
87 up to five (5) years in prison and/or a fine not to exceed Ten
88 Thousand Dollars (\$10,000.00).

89 (2) Any person convicted of Section 3(b) of this act shall
90 be guilty of a felony, punishable by a term of no less than three
91 (3) years and no more than fifteen (15) years in the State
92 Penitentiary, a fine not to exceed Twenty-five Thousand Dollars
93 (\$25,000.00), or both.

94 **SECTION 6.** This act shall take effect and be in force from
95 and after July 1, 2021.

