

By: Representative Morgan

To: Judiciary B

HOUSE BILL NO. 259

1 AN ACT TO REGULATE USE OF DRONES; TO PROVIDE DEFINITIONS; TO
2 PROHIBIT ANY PERSON FROM USING A DRONE TO CAPTURE UNAUTHORIZED
3 IMAGES; TO PROVIDE EXEMPTIONS FOR CERTAIN IMAGES THAT ARE
4 CAPTURED; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** This act shall be known and hereinafter referred
8 to as the "Drone Prohibition Act."

9 **SECTION 2.** For purposes of this act, the following words
10 shall have the meaning ascribed herein unless the context shall
11 otherwise require:

12 (a) "Image" means any capturing of sound waves,
13 thermal, infrared, ultraviolet, visible light, or other
14 electromagnetic waves, odor, or other conditions existing on or
15 about real property in this state or an individual located on that
16 property; and

17 (b) "Drone" means any unmanned airborne device that is
18 operated without an individual in or on the device.



19 **SECTION 3.** (1) Except as otherwise provided in this
20 section, it shall be unlawful for any person to capture an image
21 using a drone, as defined by this act.

22 (2) The provisions of subsection (1) of this section shall
23 not apply to:

24 (a) Any person who is conducting professional or
25 scholarly research and development and acting on behalf of an
26 institution of higher learning, if such person is a professor,
27 employee, or student of the institution; or under contract with or
28 otherwise acting under the direction of or on behalf of the
29 institution;

30 (b) Any unmanned airborne device that is in airspace
31 designated as a test site or range authorized by the Federal
32 Aviation Administration for the purpose of integrating unmanned
33 aircraft systems into the national airspace;

34 (c) Any unmanned airborne device that is used as part
35 of an operation, exercise, or mission of any branch of the United
36 States military;

37 (d) Any image that is captured by a satellite for the
38 purposes of mapping;

39 (e) Any image captured by or for an electric or natural
40 gas utility:

41 (i) For operations and maintenance of utility
42 facilities for the purpose of maintaining utility system
43 reliability and integrity;



44 (ii) For inspecting utility facilities to
45 determine repair, maintenance, or replacement needs during and
46 after construction of such facilities;

47 (f) For assessing vegetation growth for the purpose of
48 maintaining clearances on utility easements;

49 (g) For utility facility routing and siting for the
50 purpose of providing utility service;

51 (h) With the consent of the individual who owns or
52 lawfully occupies the real property captured in the image;

53 (i) By authorized law enforcement officers for law
54 enforcement purposes;

55 (j) If the image is captured by state or local law
56 enforcement authorities, or a person who is under contract with or
57 otherwise acting under the direction or on behalf of state
58 authorities, for the purpose of:

59 (i) Surveying the scene of a catastrophe or other
60 damage to determine whether a state of emergency should be
61 declared;

62 (ii) Preserving public safety, protecting
63 property, or surveying damage or contamination during a lawfully
64 declared state of emergency; or

65 (iii) Conducting routine air quality sampling and
66 monitoring, as provided by state or local law;

67 (k) At the scene of a spill, or a suspected spill, of
68 hazardous materials;



69 (1) For the purpose of fire suppression;

70 (m) For the purpose of rescuing a person whose life or
71 well-being is in imminent danger;

72 (n) If the image is captured by a Mississippi licensed
73 real estate broker in connection with the marketing, sale, or
74 financing of real property, provided that no individual is
75 identifiable in the image;

76 (o) Of public real property or a person on that
77 property;

78 (p) If the image is captured by the owner or operator
79 of an oil, gas, water, or other pipeline for the purpose of
80 inspecting, maintaining, or repairing pipelines or other related
81 facilities, and is captured without the intent to conduct
82 surveillance on an individual or real property located in this
83 state;

84 (q) In connection with oil and gas pipeline and well
85 safety and protection;

86 (r) In connection with port authority surveillance and
87 security; or

88 (s) An image captured by a state or local government
89 agency, or by a person who is under contract with or otherwise
90 acting under the direction or on behalf of such agency, and shall
91 not be used for any purpose other than the lawful purpose for
92 which the image was captured as permitted by this section.



93 **SECTION 4.** Any person violating the provisions of this act
94 shall be fined not more than Five Hundred Dollars (\$500.00), or
95 imprisoned for not more than six (6) months, or both. Each image
96 captured in violation of this act shall be a separate offense.
97 The amount of the fine for any subsequent violation of this act
98 shall be no less than One Thousand Five Hundred Dollars
99 (\$1,500.00). The time for imprisonment for any subsequent
100 violation of this act shall be at least twelve (12) months in the
101 State Penitentiary.

102 **SECTION 5.** The provisions of this act shall apply unless
103 preempted by applicable federal law or by regulations adopted by
104 the Federal Aviation Administration.

105 **SECTION 6.** This act shall take effect and be in force from
106 and after July 1, 2022.

