

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 839

1 AN ACT TO CREATE THE "UNCREWED AIRCRAFT SYSTEMS RIGHTS AND  
 2 AUTHORITIES ACT"; TO PROVIDE THAT AN INDIVIDUAL, IN COMPLIANCE  
 3 WITH FEDERAL LAW, MAY OPERATE AN UNCREWED AIRCRAFT SYSTEM FOR  
 4 RECREATIONAL PURPOSES WITHIN THIS STATE IN CONFORMITY WITH THE  
 5 LAWS OF THIS STATE; TO PROVIDE THAT AN INDIVIDUAL OR BUSINESS  
 6 ENTITY, DOING BUSINESS LAWFULLY WITHIN THIS STATE AND IN  
 7 COMPLIANCE WITH FEDERAL LAW, MAY OPERATE OR USE AN UNCREWED  
 8 AIRCRAFT SYSTEM FOR COMMERCIAL PURPOSES WITHIN THIS STATE IN  
 9 CONFORMITY WITH THE LAWS OF THIS STATE; TO PROVIDE THAT THIS ACT  
 10 SHALL NOT LIMIT A LOCAL GOVERNMENT FROM CREATING ORDINANCES TO  
 11 REGULATE UNCREWED AIRCRAFT; TO BRING FORWARD SECTIONS 97-47-3 AND  
 12 97-47-9, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
 13 "MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTIONS ACT" FOR  
 14 PURPOSES OF AMENDMENT; TO AMEND SECTIONS 97-47-5 AND 97-47-7,  
 15 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE "UNCREWED AIRCRAFT  
 16 SYSTEMS RIGHTS AND AUTHORITIES ACT"; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) This act shall be known and may be cited as  
 19 the "Uncrewed Aircraft Systems Rights and Authorities Act".

20 (2) The following words shall have the meanings ascribed  
 21 herein:

22 (a) "Uncrewed aircraft" means an aircraft that is  
 23 operated without the possibility of direct human intervention from  
 24 within or on the aircraft.



25           (b) "Uncrewed aircraft system" means an uncrewed  
26 aircraft and associated elements, including communication links  
27 and the components that control the uncrewed aircraft, that are  
28 required for the pilot in command to operate safely and  
29 efficiently in the national airspace system.

30           (3) Nothing in this act shall be construed to preempt or  
31 intrude upon the exclusive sovereignty of airspace of the United  
32 States. Any interpretation or application of any provision of  
33 this act that contradicts the exclusive authority of the United  
34 States government to regulate the operation of uncrewed aircraft  
35 and uncrewed aircraft systems in the airspace of the United States  
36 shall be void.

37           (4) (a) An individual, in compliance with federal law, may  
38 operate an uncrewed aircraft system for recreational purposes  
39 within this state in conformity with the laws of this state.

40           (b) An individual or business entity, doing business  
41 lawfully within this state and in compliance with federal law, may  
42 operate or use an uncrewed aircraft system for commercial purposes  
43 within this state in conformity with the laws of this state.

44           (5) An owner of an uncrewed aircraft or uncrewed aircraft  
45 system shall not be required to register such aircraft or system  
46 beyond what may be required by Federal Aviation Administration  
47 rules.

48           (6) The operation of an uncrewed aircraft system, in  
49 accordance with federal law, in airspace over this state does not,



50 standing alone, give rise to legal liability under the laws of  
51 this state or its political subdivisions.

52 **SECTION 2.** (1) (a) A person is guilty of an offense under  
53 this act if committed with the aid of an uncrewed aircraft system  
54 if the uncrewed aircraft system is under the person's control and  
55 the activity performed with the aid of the uncrewed aircraft  
56 system would have given rise to liability for the offense under  
57 the laws of this state if it was performed directly by the person  
58 without the aid of an uncrewed aircraft system, except as  
59 otherwise provided.

60 (b) Operation of an uncrewed aircraft over real  
61 property, where the aircraft at no point lands on the property or  
62 comes into contact with structures or natural features on the  
63 property, does not constitute trespass to land or any violation of  
64 law based on intrusion onto land.

65 (c) Notwithstanding paragraph (b) of this subsection, a  
66 person is liable for aerial trespass if the person intentionally,  
67 and without the consent of the land possessor, operates an  
68 uncrewed aircraft such that the aircraft (i) enters into the  
69 immediate reaches of the airspace next to the land, and (ii)  
70 interferes substantially with the possessor's use and enjoyment of  
71 his or her land.

72 (d) Consistent with paragraph (a) of this subsection,  
73 an uncrewed aircraft can be the instrumentality by which a tort in



74 violation of privacy rights may be committed under federal or  
75 state law.

76 (e) The state, through a duly adopted and enforceable  
77 agency issued rule or regulation or other grant of authority, may:  
78 (i) provide for the operation of an uncrewed aircraft system by or  
79 on behalf of the state; or that is owned by the state, (ii)  
80 provide for or prohibit the launch of an uncrewed aircraft from  
81 property owned by the state, (iii) the intentional landing of an  
82 uncrewed aircraft onto property owned by the state, or (iv) the  
83 presence of a pilot actively in command of such uncrewed aircraft  
84 system on property owned by the state.

85 (2) (a) Except as otherwise expressly provided in this act,  
86 a political subdivision may not enact or enforce an ordinance that  
87 relates to the ownership, operation, design, manufacture, testing,  
88 maintenance, licensing, registration, or certification of an  
89 uncrewed aircraft system, including, but not limited to, airspace,  
90 altitude, flight paths, or equipment requirements; or  
91 qualifications, training, or certification of a pilot, operator,  
92 or observer of an uncrewed aircraft system.

93 (b) This subsection does not limit the authority of a  
94 political subdivision to: (i) adopt an ordinance that enforces  
95 Federal Aviation Administration restrictions, (ii) adopt or  
96 enforce an ordinance that relates to the operation of an uncrewed  
97 aircraft system by or on behalf of such political subdivision; or  
98 that is owned by such political subdivision, (iii) adopt or



99 enforce generally applicable ordinances that relate to nuisances,  
100 voyeurism, harassment, reckless endangerment, property damage, or  
101 other illegal acts arising from the use of uncrewed aircraft  
102 systems, so long as such ordinances are not specifically related  
103 to the use of an uncrewed aircraft system for those illegal acts,  
104 or (iv) adopt or enforce an ordinance that regulates the launch of  
105 an uncrewed aircraft from property owned by the political  
106 subdivision, the intentional landing of an uncrewed aircraft onto  
107 property owned by the political subdivision or the presence of a  
108 pilot actively in command of such uncrewed aircraft system on  
109 property owned by the political subdivision.

110 (c) Any ordinance that violates this section, whether  
111 enacted or adopted by a political subdivision before or after the  
112 date of enactment of this act is void.

113 (3) A measure adopted under paragraph (b) of subsection (2)  
114 of this section shall not be enforceable until the full text of  
115 such measure, including all properties covered by such measure,  
116 has been reported to the public, if such measure includes park  
117 property, unless the duration of such measure, as it applies to  
118 the park property, is no more than two (2) years and requires  
119 affirmative renewal, for no more than two (2) years; and in the  
120 case of a political subdivision ordinance, there is other similar  
121 park property owned by the political subdivision and within the  
122 jurisdiction of such political subdivision not subject to  
123 regulation under such subsection.



124 (4) Nothing in this act shall be construed to prohibit: (a)  
125 the take-off or landing of an uncrewed aircraft as deemed  
126 reasonable or necessary by private or public entities for  
127 emergency or maintenance support functions or services, including  
128 the protection and maintenance of public or private critical  
129 infrastructure; (b) the landing of an uncrewed aircraft by an  
130 operator in compliance with Federal Aviation Administration  
131 regulations as deemed reasonable or necessary by the operator in  
132 the event of a technical malfunction of an uncrewed aircraft  
133 system; (c) the take-off or landing of an uncrewed aircraft being  
134 operated by a sworn public safety officer in the performance of  
135 his duties; or (d) the take-off or landing of an uncrewed aircraft  
136 owned or operated by the United States government, or any operator  
137 under contract with any agency of the United States government, in  
138 performance of his assigned duties.

139 (5) Nothing in this act shall be construed to permit state  
140 or local regulation of uncrewed aircraft operations in airspace  
141 over land owned by the state or a political subdivision.

142 **SECTION 3.** Section 97-47-3, Mississippi Code of 1972, is  
143 brought forward as follows:

144 97-47-3. For the purposes of this chapter, unless otherwise  
145 specified, the following terms shall have the following meanings:

146 (a) "Correctional facility" means any:

147 (i) Confinement facility operated or contracted by  
148 the Mississippi Department of Corrections;



149 (ii) Confinement facility operated or contracted  
150 by the Federal Department of Prisons;

151 (iii) Municipality or county jail;

152 (iv) Confinement facility operated or contracted  
153 by the Federal Department of Prisons; or

154 (v) Public or private youth detention facility.

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

157 (i) Petroleum refinery or petroleum tank farm;

158 (ii) Electrical power generation facility which  
159 supports the Mississippi power grid system;

160 (iii) Natural gas processing and terminal  
161 facility;

162 (iv) Military installation owned by the federal or  
163 state government; or

164 (v) Entity contracted by the Department of Defense  
165 or State Military Department to produce defense products.

166 (c) "Unmanned aircraft" means an aircraft that is  
167 constructed or operated without the possibility of direct human  
168 intervention from within or on the aircraft, including every  
169 object that is on board or otherwise attached to the aircraft, or  
170 carried or operated during flight, regardless of weight. For  
171 purposes of this chapter, this term is synonymous with the term  
172 "drone."



173           (d) "Unmanned aircraft system" means an unmanned  
174 aircraft and all associated elements, including, but not limited  
175 to, communication links, sensing devices, and components that  
176 control the unmanned aircraft.

177           **SECTION 4.** Section 97-47-5, Mississippi Code of 1972, is  
178 amended as follows:

179           97-47-5. Except as otherwise provided in Sections 1 and 2 of  
180 this act, a person commits the offense of unlawful use of an  
181 unmanned aircraft system if he or she knowingly:

182           (a) Uses an unmanned aircraft system to conduct  
183 surveillance of, collect information or data, or photographically  
184 or electronically record a critical infrastructure or correctional  
185 facility without the prior written consent of the owner, or the  
186 owner's designee, of the critical infrastructure or correctional  
187 facility; or

188           (b) Delivers or attempts to deliver contraband using an  
189 unmanned aircraft system on a correctional facility property or  
190 adjacent property for the purpose of introducing contraband into a  
191 correctional facility.

192           **SECTION 5.** Section 97-47-7, Mississippi Code of 1972, is  
193 amended as follows:

194           97-47-7. (1) Nothing in this chapter shall be deemed to  
195 prohibit the operation of an unmanned aircraft system by a law  
196 enforcement agency for any lawful purpose in this state.





197 (2) A public agency or a public contractor, other than a law  
198 enforcement agency or contractor, may operate an unmanned aircraft  
199 system only if the public agency or contracted entity operates the  
200 unmanned aircraft system:

201 (a) With the written consent of the owner, or the  
202 owner's designee, of the critical infrastructure or correctional  
203 facility; and

204 (b) In accordance with the rules and regulations  
205 adopted by the Federal Aviation Administration and Sections 1 and  
206 2 of House Bill 839, 2023 Regular Session.

207 (3) This chapter shall not pertain to unmanned aircraft  
208 operating under Federal Aviation Administration Certificates of  
209 Waiver Authorization.

210 **SECTION 6.** Section 97-47-9, Mississippi Code of 1972, is  
211 brought forward as follows:

212 97-47-9. (1) Any person who is convicted under Section  
213 97-47-5(a) shall be guilty of a misdemeanor, punishable up to one  
214 (1) year in prison or a fine not to exceed One Thousand Dollars  
215 (\$1,000.00) for the first offense or both.

216 (2) Any person convicted under Section 97-47-5(b) shall be  
217 guilty of a felony, punishable by a term of no less than three (3)  
218 years and no more than fifteen (15) years in the State  
219 Penitentiary or a fine not to exceed Twenty-five Thousand Dollars  
220 (\$25,000.00), or both.



221           **SECTION 7.** This act shall take effect and be in force from  
222 and after July 1, 2023.

