

By: Representatives McMillan, Boyd (19th),
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To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1370

1 AN ACT TO AMEND SECTIONS 97-17-85, 97-17-87, 97-17-93,
2 97-17-97 AND 97-47-5, MISSISSIPPI CODE OF 1972, TO INCLUDE
3 UNMANNED OR UNCREWED AIRCRAFT TO THE ELEMENTS OF TRESPASS; TO
4 BRING FORWARD SECTION 97-47-5, MISSISSIPPI CODE OF 1972, WHICH
5 REGULATES SUCH AIRCRAFT OVER DEPARTMENT OF CORRECTIONS FACILITIES;
6 TO AMEND SECTION 61-21-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO
7 THIS ACT; TO BRING FORWARD SECTION 61-21-7, MISSISSIPPI CODE OF
8 1972, WHICH REGULATES LIABILITY FOR UNCREWED AIRCRAFT, FOR
9 PURPOSES OF AMENDMENT; TO AMEND SECTION 61-21-9, MISSISSIPPI CODE
10 OF 1972, TO CONFORM TO THIS ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 97-17-85, Mississippi Code of 1972, is
13 amended as follows:

14 97-17-85. Except as otherwise provided in Section 73-13-103
15 and Section 11-17-39, if any person shall go upon the enclosed
16 land of another without his or her consent, after having been
17 notified by such person or his agent not to do so, either
18 personally or by published or posted notice, or shall remain on
19 such land after a request by such person or his agent to depart,
20 he shall, upon conviction, be fined not more than Fifty Dollars
21 (\$50.00) for such offense. The provisions of this section shall
22 apply to land not enclosed where the stock law is in force. For



23 purposes of this section, the term "go upon the enclosed land"
24 shall include the operation of an unmanned or uncrewed aircraft
25 system in the air space of the enclosed land of another without
26 his or her consent with the intent to conduct surveillance of the
27 property or of any individual lawfully on the property.

28 **SECTION 2.** Section 97-17-87, Mississippi Code of 1972, is
29 amended as follows:

30 97-17-87. (1) Any person who shall be guilty of a willful
31 or malicious trespass upon the real or personal property of
32 another, for which no other penalty is prescribed, shall, upon
33 conviction, be fined not exceeding Five Hundred Dollars (\$500.00),
34 or imprisoned not longer than six (6) months in the county jail,
35 or both.

36 (2) (a) Any person who shall willfully trespass upon any
37 air operations area or sterile area of an airport serving the
38 general public shall be guilty of a misdemeanor and, upon
39 conviction, shall be fined not more than One Thousand Dollars
40 (\$1,000.00) or imprisoned in the county jail for up to one (1)
41 year, or both.

42 (b) For the purposes of this subsection (2), "air
43 operations area" means a portion of an airport designed and used
44 for landing, taking off, or surface maneuvering of airplanes;
45 "sterile area" means an area to which access is controlled by the
46 inspection of persons and property in accordance with an approved
47 security program.



48 (3) For purposes of this section, the term "trespass" shall
49 include the operation of an unmanned or uncrewed aircraft system
50 over the real or personal property of another or the air
51 operations area or sterile area of an airport serving the general
52 public with the intent to conduct surveillance of the property or
53 of any individual lawfully on the property or area.

54 **SECTION 3.** Section 97-17-93, Mississippi Code of 1972, is
55 amended as follows:

56 97-17-93. (1) (a) Any person who knowingly enters the
57 lands of another without the permission of or without being
58 accompanied by the landowner or the lessee of the land, or the
59 agent of such landowner or lessee, shall be guilty of a
60 misdemeanor and, upon conviction, shall be punished for the first
61 offense by a fine of Two Hundred Fifty Dollars (\$250.00). Upon
62 conviction of any person for a second or subsequent offense, the
63 offenses being committed within five (5) years of the last
64 offense, such person shall be punished by a fine of Five Hundred
65 Dollars (\$500.00), and may be imprisoned in the county jail for a
66 period of not less than ten (10) nor more than thirty (30) days,
67 or by both such fine and imprisonment. This section shall not
68 apply to the landowner's or lessee's family, guests, or agents, to
69 a surveyor as provided in Section 73-13-103, persons who enter the
70 land of another for the purpose of emergency and maintenance
71 support functions or services, including the protection and
72 maintenance of public or private critical infrastructure,



73 including broadband infrastructure, or to persons entering upon
74 such lands for lawful business purposes.

75 (b) For purposes of this subsection, the phrase "enters
76 the lands of another" shall include the operation of an unmanned
77 or uncrewed aircraft system in the airspace over the lands of
78 another without the permission of or without being accompanied by
79 the landowner or the lessee of the land, or the agent of such
80 landowner or lessee, with the intent to conduct surveillance of
81 the property or of any individual lawfully on the property or
82 area.

83 (2) (a) It shall be the duty of sheriffs, deputy sheriffs,
84 constables and conservation officers to enforce this section.

85 (b) Such officers shall enforce this section by issuing
86 a citation to those charged with trespassing under this section.

87 (3) The provisions of this section are supplementary to the
88 provisions of any other statute of this state.

89 (4) A prosecution under the provisions of this section shall
90 be dismissed upon the request of the landowner, lessee of the land
91 or agent of such landowner or lessee, as the case may be.

92 **SECTION 4.** Section 97-17-97, Mississippi Code of 1972, is
93 amended as follows:

94 97-17-97. (1) (a) Except as otherwise provided in Section
95 73-13-103 and Section 11-27-39, if any person or persons shall
96 without authority of law go into or upon or remain in or upon any
97 building, premises or land of another, including the premises of



98 any public housing authority after having been banned from
99 returning to the premises of the housing authority, whether an
100 individual, a corporation, partnership, or association, or any
101 part, portion or area thereof, after having been forbidden to do
102 so, either orally or in writing including any sign hereinafter
103 mentioned, by any owner, or lessee, or custodian, or other
104 authorized person, or by the administrators of a public housing
105 authority regardless of whether or not having been invited onto
106 the premises of the housing authority by a tenant, or after having
107 been forbidden to do so by such sign or signs posted on, or in
108 such building, premises or land, or part, or portion, or area
109 thereof, at a place or places where such sign or signs may be
110 reasonably seen, such person or persons shall be guilty of a
111 misdemeanor, and, upon conviction thereof, shall be punished by a
112 fine of not more than Five Hundred Dollars (\$500.00) or by
113 confinement in the county jail not exceeding six (6) months, or by
114 both such fine and imprisonment.

115 (b) For purposes of this section, the phrase "go into
116 or upon or remain in or upon" shall include the operation of an
117 unmanned or uncrewed aircraft system in the air space over any
118 building, premises or land of another with the intent to conduct
119 surveillance of the property or of any individual lawfully on the
120 property or area.

121 (2) The provisions of this section are supplementary to the
122 provisions of any other statute of this state.



123 **SECTION 5.** Section 97-47-5, Mississippi Code of 1972, is
124 brought forward as follows:

125 97-47-5. A person commits the offense of unlawful use of an
126 unmanned aircraft system if he or she knowingly:

127 (a) Uses an unmanned aircraft system to conduct
128 surveillance of, collect information or data, or photographically
129 or electronically record a critical infrastructure or correctional
130 facility without the prior written consent of the owner, or the
131 owner's designee, of the critical infrastructure or correctional
132 facility; or

133 (b) Delivers or attempts to deliver contraband using an
134 unmanned aircraft system on a correctional facility property or
135 adjacent property for the purpose of introducing contraband into a
136 correctional facility.

137 **SECTION 6.** Section 61-21-5, Mississippi Code of 1972, is
138 amended as follows:

139 61-21-5. (1) An individual, in compliance with federal law,
140 may operate an uncrewed aircraft system for recreational purposes
141 within this state if such operation does not otherwise violate
142 state law.

143 (2) An individual or business entity, doing business
144 lawfully within this state and in compliance with federal law, may
145 operate or use an uncrewed aircraft system for commercial purposes
146 within this state.



147 (3) An owner of an uncrewed aircraft or uncrewed aircraft
148 system shall not be required to register such aircraft or system
149 beyond what may be required by federal law and regulations.

150 **SECTION 7.** Section 61-21-7, Mississippi Code of 1972, is
151 brought forward as follows:

152 61-21-7. (1) A person is liable for an act or guilty of an
153 offense committed with the aid of an uncrewed aircraft system if
154 the uncrewed aircraft system is under the person's operation or
155 control and the activity performed with the aid of the uncrewed
156 aircraft system would have given rise to civil or criminal
157 liability under the laws of this state, if it was performed
158 directly by the person without the aid of an uncrewed aircraft
159 system.

160 (2) An uncrewed aircraft can be the instrumentality by which
161 a tort in violation of privacy rights may be committed under
162 federal or state law.

163 **SECTION 8.** Section 61-21-9, Mississippi Code of 1972, is
164 amended as follows:

165 61-21-9. **Regulatory authority.** (1) The state, through a
166 duly adopted and enforceable agency-issued rule or regulation or
167 other grant of authority, may:

168 (a) Provide for the operation of an uncrewed aircraft
169 system by or on behalf of the state or that is owned by the state;
170 and

171 (b) Provide for or prohibit:



172 (i) The launch of an uncrewed aircraft from
173 property owned by the state;

174 (ii) The intentional landing of an uncrewed
175 aircraft onto property owned by the state; or

176 (iii) The presence of a pilot actively in command
177 of such uncrewed aircraft system on property owned by the state.

178 (2) (a) Except as otherwise expressly provided in this
179 section, a political subdivision may not enact or enforce an
180 ordinance that relates to the:

181 (i) Ownership, operation, design, manufacture,
182 testing, maintenance, licensing, registration, or certification of
183 an uncrewed aircraft system, including, but not limited to,
184 airspace, altitude, flight paths, or equipment requirements; or

185 (ii) Qualifications, training, or certification of
186 a pilot, operator, or observer of an uncrewed aircraft system.

187 (b) This subsection does not limit the authority of a
188 political subdivision to:

189 (i) Adopt an ordinance that enforces Federal
190 Aviation Administration restrictions;

191 (ii) Adopt or enforce an ordinance that relates to
192 the operation of an uncrewed aircraft system:

193 1. By or on behalf of such political
194 subdivision; or

195 2. That is owned by such political
196 subdivision;



197 (iii) Adopt or enforce generally applicable
198 ordinances that relate to nuisances, voyeurism, harassment,
199 trespass, reckless endangerment, property damage, or other illegal
200 acts arising from the use of uncrewed aircraft systems, so long as
201 such ordinances are not specifically related to the use of an
202 uncrewed aircraft system for those illegal acts; or

203 (iv) Adopt or enforce an ordinance that regulates:

204 1. The launch of an uncrewed aircraft from
205 property owned by the political subdivision;

206 2. The intentional landing of an uncrewed
207 aircraft onto property owned by the political subdivision; or

208 3. The presence of a pilot actively in
209 command of such uncrewed aircraft system on property owned by the
210 political subdivision.

211 (3) Nothing in this section shall be construed to prohibit:

212 (a) The take-off, operation or landing of an uncrewed
213 aircraft as deemed reasonable or necessary by private or public
214 entities for emergency or maintenance support functions or
215 services, including the protection and maintenance of public or
216 private critical infrastructure, including broadband
217 infrastructure;

218 (b) The landing of an uncrewed aircraft by an operator
219 in compliance with Federal Aviation Administration regulations as
220 deemed reasonable or necessary by the operator in the event of a
221 technical malfunction of an uncrewed aircraft system;



222 (c) The take-off or landing of an uncrewed aircraft
223 being operated by a sworn public safety officer in the performance
224 of his duties; or

225 (d) The take-off or landing of an uncrewed aircraft
226 owned or operated by the United States government, or any operator
227 under contract with any agency of the United States government, in
228 performance of his assigned duties.

229 **SECTION 9.** This act shall take effect and be in force from
230 and after July 1, 2024, and shall stand repealed on June 30, 2024.

