

By: Representatives McMillan, Boyd (19th),
Estrada, Ford (73rd), Hawkins, Holloway
(76th), Mansell, Smith, Varner, Zuber

To: Judiciary A

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



23 "go upon the enclosed land" shall include the operation of an
24 unmanned or uncrewed aircraft system in the air space of the
25 enclosed land of another without his or her consent with the
26 intent to conduct surveillance of the property or of any
27 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, or to persons
70 entering upon such lands for lawful business purposes.

71 (b) For purposes of this subsection, the phrase "enters
72 the lands of another" shall include the operation of an unmanned



73 or uncrewed aircraft system in the airspace over the lands of
74 another without the permission of or without being accompanied by
75 the landowner or the lessee of the land, or the agent of such
76 landowner or lessee, with the intent to conduct surveillance of
77 the property or of any individual lawfully on the property or
78 area.

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

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

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

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

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

90 97-17-97. (1) (a) Except as otherwise provided in Section
91 73-13-103, if any person or persons shall without authority of law
92 go into or upon or remain in or upon any building, premises or
93 land of another, including the premises of any public housing
94 authority after having been banned from returning to the premises
95 of the housing authority, whether an individual, a corporation,
96 partnership, or association, or any part, portion or area thereof,
97 after having been forbidden to do so, either orally or in writing



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

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

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

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

120 97-47-5. A person commits the offense of unlawful use of an
121 unmanned aircraft system if he or she knowingly:



122 (a) Uses an unmanned aircraft system to conduct
123 surveillance of, collect information or data, or photographically
124 or electronically record a critical infrastructure or correctional
125 facility without the prior written consent of the owner, or the
126 owner's designee, of the critical infrastructure or correctional
127 facility; or

128 (b) Delivers or attempts to deliver contraband using an
129 unmanned aircraft system on a correctional facility property or
130 adjacent property for the purpose of introducing contraband into a
131 correctional facility.

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

134 61-21-5. (1) An individual, in compliance with federal law,
135 may operate an uncrewed aircraft system for recreational purposes
136 within this state if such operation does not otherwise violate
137 state law.

138 (2) An individual or business entity, doing business
139 lawfully within this state and in compliance with federal law, may
140 operate or use an uncrewed aircraft system for commercial purposes
141 within this state.

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

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



147 61-21-7. (1) A person is liable for an act or guilty of an
148 offense committed with the aid of an uncrewed aircraft system if
149 the uncrewed aircraft system is under the person's operation or
150 control and the activity performed with the aid of the uncrewed
151 aircraft system would have given rise to civil or criminal
152 liability under the laws of this state, if it was performed
153 directly by the person without the aid of an uncrewed aircraft
154 system.

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

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

160 61-21-9. **Regulatory authority.** (1) The state, through a
161 duly adopted and enforceable agency-issued rule or regulation or
162 other grant of authority, may:

163 (a) Provide for the operation of an uncrewed aircraft
164 system by or on behalf of the state or that is owned by the state;
165 and

166 (b) Provide for or prohibit:

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

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



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

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

176 (i) Ownership, operation, design, manufacture,
177 testing, maintenance, licensing, registration, or certification of
178 an uncrewed aircraft system, including, but not limited to,
179 airspace, altitude, flight paths, or equipment requirements; or

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

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

184 (i) Adopt an ordinance that enforces Federal
185 Aviation Administration restrictions;

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

188 1. By or on behalf of such political
189 subdivision; or

190 2. That is owned by such political
191 subdivision;

192 (iii) Adopt or enforce generally applicable
193 ordinances that relate to nuisances, voyeurism, harassment,
194 trespass, reckless endangerment, property damage, or other illegal
195 acts arising from the use of uncrewed aircraft systems, so long as



196 such ordinances are not specifically related to the use of an
197 uncrewed aircraft system for those illegal acts; or

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

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

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

203 3. The presence of a pilot actively in
204 command of such uncrewed aircraft system on property owned by the
205 political subdivision.

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

207 (a) The take-off or landing of an uncrewed aircraft as
208 deemed reasonable or necessary by private or public entities for
209 emergency or maintenance support functions or services, including
210 the protection and maintenance of public or private critical
211 infrastructure, including broadband infrastructure;

212 (b) The landing of an uncrewed aircraft by an operator
213 in compliance with Federal Aviation Administration regulations as
214 deemed reasonable or necessary by the operator in the event of a
215 technical malfunction of an uncrewed aircraft system;

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

219 (d) The take-off or landing of an uncrewed aircraft
220 owned or operated by the United States government, or any operator



221 under contract with any agency of the United States government, in
222 performance of his assigned duties.

223 **SECTION 9.** This act shall take effect and be in force from
224 and after July 1, 2024.

