

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

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.

