

By: Representative McMillan

To: Judiciary A

HOUSE BILL NO. 1494

1 AN ACT TO AMEND SECTIONS 97-17-85, 97-17-87, 97-17-93 AND
 2 97-17-97, MISSISSIPPI CODE OF 1972, TO INCLUDE UNMANNED OR
 3 UNCREWED AIRCRAFT TO THE ELEMENTS OF TRESPASS; TO BRING FORWARD
 4 SECTION 97-47-5, MISSISSIPPI CODE OF 1972, WHICH REGULATES SUCH
 5 AIRCRAFT OVER DEPARTMENT OF CORRECTIONS FACILITIES; TO AMEND
 6 SECTION 61-21-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THIS ACT;
 7 TO BRING FORWARD SECTION 61-21-7, MISSISSIPPI CODE OF 1972, WHICH
 8 REGULATES LIABILITY FOR UNCREWED AIRCRAFT, FOR PURPOSES OF
 9 AMENDMENT; TO AMEND SECTION 61-21-9, MISSISSIPPI CODE OF 1972, TO
 10 CONFORM TO THIS ACT; TO AMEND SECTIONS 73-13-103 AND 73-13-71,
 11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS;
 12 AND FOR RELATED PURPOSES.

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

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

16 97-17-85. Except as otherwise provided in Sections
 17 73-13-103 * * *, 49-7-79 * * * and 11-27-39, if any person shall
 18 go upon the enclosed land of another without his or her consent,
 19 after having been notified by such person or his agent not to do
 20 so, either personally or by published or posted notice, or shall
 21 remain on such land after a request by such person or his agent to
 22 depart, he shall, upon conviction, be fined not more than Fifty
 23 Dollars (\$50.00) for such offense. The provisions of this section



24 shall apply to land not enclosed where the stock law is in force.
25 For purposes of this section, the term "go upon the enclosed land"
26 shall include the operation of an unmanned or uncrewed aircraft
27 system in the air space of the enclosed land of another without
28 his or her consent with the intent to conduct surveillance of the
29 property or of any individual lawfully on the property.

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

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

38 (2) (a) Any person who shall willfully trespass upon any
39 air operations area or sterile area of an airport serving the
40 general public shall be guilty of a misdemeanor and, upon
41 conviction, shall be fined not more than One Thousand Dollars
42 (\$1,000.00) or imprisoned in the county jail for up to one (1)
43 year, or both.

44 (b) For the purposes of this subsection (2), "air
45 operations area" means a portion of an airport designed and used
46 for landing, taking off, or surface maneuvering of airplanes;
47 "sterile area" means an area to which access is controlled by the



48 inspection of persons and property in accordance with an approved
49 security program.

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

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

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



73 support functions or services, including the protection and
74 maintenance of public or private critical infrastructure,
75 including broadband infrastructure, or to persons entering upon
76 such lands for lawful business purposes.

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

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

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

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

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

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

96 97-17-97. (1) (a) Except as otherwise provided in Section
97 73-13-103 and Section 11-27-39, if any person or persons shall



98 without authority of law go into or upon or remain in or upon any
99 building, premises or land of another, including the premises of
100 any public housing authority after having been banned from
101 returning to the premises of the housing authority, whether an
102 individual, a corporation, partnership, or association, or any
103 part, portion or area thereof, after having been forbidden to do
104 so, either orally or in writing including any sign hereinafter
105 mentioned, by any owner, or lessee, or custodian, or other
106 authorized person, or by the administrators of a public housing
107 authority regardless of whether or not having been invited onto
108 the premises of the housing authority by a tenant, or after having
109 been forbidden to do so by such sign or signs posted on, or in
110 such building, premises or land, or part, or portion, or area
111 thereof, at a place or places where such sign or signs may be
112 reasonably seen, such person or persons shall be guilty of a
113 misdemeanor, and, upon conviction thereof, shall be punished by a
114 fine of not more than Five Hundred Dollars (\$500.00) or by
115 confinement in the county jail not exceeding six (6) months, or by
116 both such fine and imprisonment.

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



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

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

127 97-47-5. A person commits the offense of unlawful use of an
128 unmanned aircraft system if he or she knowingly:

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

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

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

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

145 (2) An individual or business entity, doing business
146 lawfully within this state and in compliance with federal law, may



147 operate or use an uncrewed aircraft system for commercial purposes
148 within this state.

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

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

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

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

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

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



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

173 (b) Provide for or prohibit:

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

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

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

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

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

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

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

191 (i) Adopt an ordinance that enforces Federal
192 Aviation Administration restrictions;

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



195 1. By or on behalf of such political
196 subdivision; or
197 2. That is owned by such political
198 subdivision;
199 (iii) Adopt or enforce generally applicable
200 ordinances that relate to nuisances, voyeurism, harassment,
201 trespass, reckless endangerment, property damage, or other illegal
202 acts arising from the use of uncrewed aircraft systems, so long as
203 such ordinances are not specifically related to the use of an
204 uncrewed aircraft system for those illegal acts; or
205 (iv) Adopt or enforce an ordinance that regulates:
206 1. The launch of an uncrewed aircraft from
207 property owned by the political subdivision;
208 2. The intentional landing of an uncrewed
209 aircraft onto property owned by the political subdivision; or
210 3. The presence of a pilot actively in
211 command of such uncrewed aircraft system on property owned by the
212 political subdivision.
213 (3) Nothing in this section shall be construed to prohibit:
214 (a) The take-off, operation or landing of an uncrewed
215 aircraft as deemed reasonable or necessary by private or public
216 entities for emergency or maintenance support functions or
217 services, including the protection and maintenance of public or
218 private critical infrastructure, including broadband
219 infrastructure;



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

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

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

231 **SECTION 9.** Section 73-13-103, Mississippi Code of 1972, is
232 amended as follows:

233 73-13-103. (1) For the purposes of this section, the term
234 "surveyor" means a licensed professional surveyor as defined in
235 Section 73-13-71, and any person who is employed by or under the
236 direct supervision of a professional surveyor licensed under
237 Sections 73-13-71 through 73-13-97.

238 (2) A surveyor may enter in or upon public or private lands
239 or waters, except buildings, while in the lawful performance of
240 surveying duties without criminal liability for trespass; however,
241 a surveyor shall make a good faith attempt to announce and
242 identify himself and his intentions before entering upon private
243 property and must present documentation sufficient to identify him
244 as a surveyor to anyone requesting such identification. The term



245 "enter in or upon public or private lands or waters" shall include
246 the operation of an unmanned or uncrewed aircraft system in the
247 air space of the said public or private land or water while in the
248 lawful performance of surveying duties.

249 (3) The provisions of this section do not relieve a surveyor
250 from any civil liability that otherwise is actionable at law or in
251 equity, and do not relieve a surveyor from criminal liability for
252 trespass if the entry in or upon the property extends beyond the
253 property or area that is necessary to actually perform the
254 surveying duties.

255 **SECTION 10.** Section 73-13-71, Mississippi Code of 1972, is
256 amended as follows:

257 73-13-71. (1) The term "board," as used in Sections
258 73-13-71 through 73-13-105, shall mean the Board of Licensure for
259 Professional Engineers and Surveyors as provided for in Section
260 73-13-5 of this chapter.

261 (2) The term "professional surveyor," as used in Sections
262 73-13-71 through 73-13-105, shall mean a person who engages in the
263 practice of surveying as hereinafter defined, whether in an
264 individual capacity, or as an employee of a public utility,
265 or * * * on behalf of or as an employee of any state, county or
266 municipal authority of the State of Mississippi.

267 (3) The term "surveyor intern," as used in Sections 73-13-71
268 through 73-13-105, shall mean a candidate for licensure as a
269 professional surveyor who has successfully passed the fundamentals



270 of land surveying examination, has met the requirements of the
271 board for enrollment, has received from the board a certificate
272 stating that he has successfully passed this portion of the
273 professional land surveying examinations and has been enrolled as
274 a surveyor intern.

275 (4) The practice of "surveying," within the meaning and
276 intent of Sections 73-13-71 through 73-13-105, shall mean
277 providing professional services such as consultation,
278 investigation, testimony evaluation, expert technical testimony,
279 planning, mapping, assembling and interpreting reliable scientific
280 measurement and information relative to the location, size, shape
281 or physical features of the earth, improvements on the earth, the
282 space above the earth, or any part of the earth, utilization and
283 development of these facts and interpretation into an orderly
284 survey map, plan or report and in particular, the retracement of
285 or the creating of land boundaries and descriptions of real
286 property.

287 The practice of surveying includes, but is not limited to,
288 any one or more of the following:

289 (a) Locating, relocating, establishing, reestablishing,
290 laying out or retracing any property boundary or easement.

291 (b) Making any survey for the subdivision of any tract
292 of land, including rights-of-way and easements.

293 (c) Determining, by the use of principles of surveying,
294 the position for any survey monument or reference point; or



295 setting, resetting or replacing any such monument or reference
296 point, commonly known as control surveys.

297 (d) Creating, preparing or modifying electronic or
298 computerized data, including land information systems and
299 geographic information systems, relative to the performance of the
300 activities in the above-described paragraphs (a) through (c).

301 (4) Surveyors shall be personally liable for any damage
302 caused to private property when exercising entry under this
303 section. No cause of action shall lie against a landowner for
304 damages to a surveyor while on such lands unless the damage is
305 caused by the intentional tortious conduct of landowner or his
306 agent.

307 **SECTION 11.** This act shall take effect and be in force from
308 and after July 1, 2025.

