
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1323 Session of
2015

INTRODUCED BY ARGALL, RESCHENTHALER, FOLMER, VULAKOVICH AND
BARTOLOTTA, JUNE 17, 2016

REFERRED TO JUDICIARY, JUNE 17, 2016

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in riot, disorderly conduct and related offenses,
4 further providing for the offense of disorderly conduct and
5 providing for unlawful use of unmanned aircraft; and, in
6 particular rights and immunities, providing for action
7 against operator of unmanned aircraft.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 5503 of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 5503. Disorderly conduct.

13 (a) Offense defined.--A person is guilty of disorderly
14 conduct if, with intent to cause public inconvenience, annoyance
15 or alarm, or recklessly creating a risk thereof, he:

16 (1) engages in fighting or threatening, or in violent or
17 tumultuous behavior;

18 (2) makes unreasonable noise;

19 (3) uses obscene language, or makes an obscene gesture;

20 [or]

1 (4) creates a hazardous or physically offensive
2 condition by any act which serves no legitimate purpose of
3 the actor[.]; or

4 (5) operates an unmanned aircraft in dangerous proximity
5 to another person or another person's property, unless the
6 other person consents to the operation.

7 (b) Grading.--An offense under this section is a misdemeanor
8 of the third degree if the intent of the actor is to cause
9 substantial harm or serious inconvenience, or if he persists in
10 disorderly conduct after reasonable warning or request to
11 desist. Otherwise disorderly conduct is a summary offense.

12 (c) Definition.--[As used in this section the word "public"
13 means affecting] The following words and phrases as used in this
14 section shall have the meaning given to them in this subsection
15 unless the context clearly indicates otherwise:

16 "Public." Affecting or likely to affect persons in a place
17 to which the public or a substantial group has access; among the
18 places included are highways, transport facilities, schools,
19 prisons, apartment houses, places of business or amusement, any
20 neighborhood, or any premises which are open to the public.

21 "Unmanned aircraft." As defined in section 5518 (relating to
22 unlawful use of unmanned aircraft).

23 Section 2. Title 18 is amended by adding a section to read:
24 § 5518. Unlawful use of unmanned aircraft.

25 (a) Offense defined.--A person commits the offense of
26 unlawful use of an unmanned aircraft if the person knowingly
27 uses an unmanned aircraft to conduct surveillance of, gather
28 evidence or collect information about or photographically or
29 electronically record a critical facility without the prior
30 written consent of the owner of the critical facility.

1 (b) Grading.--An offense under subsection (a) shall be
2 graded as follows:

3 (1) A misdemeanor of the second degree with a fine not
4 exceeding \$5,000 for a first offense.

5 (2) A misdemeanor of the first degree with a fine not
6 exceeding \$10,000 for a second or subsequent offense.

7 (c) Construction.--Nothing in this section shall be
8 construed to prohibit:

9 (1) A person from using an unmanned aircraft to conduct
10 surveillance of, gather evidence or collect information about
11 or photographically or electronically record the person's own
12 property that is:

13 (i) located on the person's own immovable property;
14 or

15 (ii) located on immovable property owned by another
16 person under a valid lease, servitude, right-of-way,
17 right of use, permit, license or other right.

18 (2) A third person retained by the owner of a property
19 described under paragraph (1) to conduct activities described
20 in paragraph (1) from using an unmanned aircraft to conduct
21 the activities described in paragraph (1).

22 (3) An insurance company or a person acting on behalf of
23 an insurance company from using an unmanned aircraft for
24 purposes of underwriting an insurance risk or investigating
25 damage to insured property.

26 (4) A person from using an unmanned aircraft for motion
27 picture, television or similar media production where the
28 activity occurs on or over property owned by another person
29 who consents to the activity.

30 (d) Definitions.--The following words and phrases when used

1 in this section shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Critical facility." The term includes:

4 (1) A Federal, State and county correctional facility.

5 (2) A water or wastewater treatment facility and water
6 distribution or conveyance system.

7 (3) A Federal or State military installation.

8 (4) A power generating station plant or substation.

9 (5) A public safety or emergency operation facility.

10 (6) A hospital.

11 (7) A properly marked Federal, State, county or
12 municipal-owned building.

13 (8) A public or private use airport or heliport.

14 (9) A petroleum or alumina refinery.

15 (10) A chemical or rubber manufacturing facility.

16 (11) A nuclear power electric generation facility.

17 "Unmanned aircraft." An unmanned powered aircraft that does
18 not carry a human operator, is capable of being autonomous or
19 remotely piloted or operated and may be expendable or
20 recoverable. The definition does not include the following:

21 (1) A satellite orbiting the earth.

22 (2) An unmanned powered aircraft used by the Federal
23 Government or a person who is acting pursuant to contract
24 with the Federal Government to conduct surveillance of
25 specific activities.

26 (3) An unmanned powered aircraft used by the State
27 Government or a person who is acting pursuant to contract
28 with the State government to conduct surveillance of specific
29 activities.

30 (4) An unmanned powered aircraft used by a local

1 government law enforcement agency or fire department.

2 Section 3. Title 42 is amended by adding a section to read:

3 § 8320.1. Action against operator of unmanned aircraft.

4 A person who violates 18 Pa.C.S. § 5518 (relating to unlawful
5 use of unmanned aircraft) shall be liable to the owner of the
6 critical facility that is the subject of the violation as
7 follows:

8 (1) Any actual damages sustained as a result of the
9 violation, or \$10,000, whichever is greater.

10 (2) Three times actual damages, or \$10,000, whichever is
11 greater, in a case in which the violation resulted in profit
12 or monetary gain.

13 (3) The costs of an action brought under this section,
14 together with reasonable attorney fees as determined by the
15 court.

16 Section 4. This act shall take effect in 60 days.