

## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities  
2 Generally) of the Pennsylvania Consolidated Statutes, in  
3 burglary and other criminal intrusion, defining the offense  
4 of unlawful use of unmanned aircraft; and, in preemptions,  
5 prohibiting local regulation of unmanned aircraft.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 3505. Unlawful use of unmanned aircraft.

11 (a) Offense defined.--A person commits the offense of  
12 unlawful use of unmanned aircraft if the person intentionally or  
13 knowingly uses an unmanned aircraft:

14 (1) To conduct surveillance of another person in a  
15 private place.

16 (2) To operate in a manner which places another person  
17 in reasonable fear of bodily injury.

18 (3) To deliver, provide, transmit or furnish contraband  
19 in violation of section 5123 (relating to contraband) or 61

1 Pa.C.S. § 5902 (relating to contraband prohibited).

2 (b) Separate violations.--A separate violation under  
3 subsection (a)(1) or (2) shall occur:

4 (1) for each victim of an offense under subsection (a)  
5 (1) or (2) under the same or similar circumstances pursuant  
6 to one scheme or course of conduct, whether at the same or a  
7 different time; or

8 (2) if a person is a victim of an offense under  
9 subsection (a)(1) or (2) on more than one occasion during a  
10 separate course of conduct, either individually or otherwise.

11 (c) Penalties.--

12 (1) A violation of subsection (a)(1) or (2) is a  
13 misdemeanor of the third degree if there is more than one  
14 violation. Otherwise, a violation of subsection (a)(1) or (2)  
15 is a summary offense.

16 (2) An offense under subsection (a)(3) shall be graded  
17 as a felony of the second degree.

18 (d) Exceptions for law enforcement officers.--Subsection (a)  
19 shall not apply if the conduct proscribed under subsection (a)  
20 is committed by any of the following:

21 (1) Law enforcement officers engaged in the performance  
22 of their official law enforcement duties.

23 (2) Personnel of the Department of Corrections, local  
24 correctional facility, prison or jail for security purposes  
25 or during investigation of alleged misconduct by a person in  
26 the custody of the Department of Corrections, local  
27 correctional facility, prison or jail.

28 (e) Other exceptions.--Subsection (a)(1) and (2) shall not  
29 apply if the conduct proscribed under subsection (a)(1) or (2)  
30 is committed by any of the following:

1       (1) Firefighters, as defined in section 2 of the act of  
2       December 16, 1998 (P.L.980, No.129), known as the Police  
3       Officer, Firefighter, Correction Employee and National Guard  
4       Member Child Beneficiary Education Act, or special fire  
5       police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D  
6       (relating to special fire police), engaged in the performance  
7       of their official firefighting or fire police duties.

8       (2) Emergency medical responders, as defined in 35  
9       Pa.C.S. § 8103 (relating to definitions), engaged in the  
10       performance of their official duties.

11       (3) An employee or agent of an electric, water, natural  
12       gas or other utility while engaged in the performance of the  
13       employee's or agent's official duties.

14       (4) A person engaged in aerial data collection if the  
15       unmanned aircraft is authorized by an exemption that is  
16       issued by the Federal Aviation Administration or is used in  
17       compliance with regulations promulgated by the Federal  
18       Aviation Administration.

19       (5) An employee or agent of a government agency while  
20       engaged in the performance of the employee's or agent's  
21       official duties.

22       (f) Definitions.--As used in this section, the following  
23       words and phrases shall have the meanings given to them in this  
24       subsection unless the context clearly indicates otherwise:

25       "Bodily injury." As defined in section 2301 (relating to  
26       definitions).

27       "Law enforcement officer." An officer of the United States,  
28       of another state or subdivision thereof, or of the Commonwealth  
29       or political subdivision thereof, who is empowered by law to  
30       conduct investigations of or to make arrests for offenses

1 enumerated in this title or an equivalent crime in another  
2 jurisdiction and an attorney authorized by law to prosecute or  
3 participate in the prosecution of the offense.

4 "Private place." A place where a person has a reasonable  
5 expectation of privacy.

6 "Surveillance." Using or causing to be used an unmanned  
7 aircraft to enter or remain on or above the land of another in  
8 order to observe, record or invade the privacy of another.

9 "Unmanned aircraft." An aircraft that is operated without  
10 the possibility of direct human intervention from within or on  
11 the aircraft.

12 Section 2. Title 53 is amended by adding a section to read:  
13 § 305. Local regulation of unmanned aircraft prohibited.

14 (a) Preemption.--The provisions of 18 Pa.C.S. § 3505  
15 (relating to unlawful use of unmanned aircraft) shall preempt  
16 and supersede any ordinance, resolution, rule or other enactment  
17 of a municipality regulating the ownership or operation of  
18 unmanned aircraft. As of the effective date of this section, a  
19 municipality shall not regulate the ownership or operation of  
20 unmanned aircraft unless expressly authorized by statute.

21 (b) Municipal use.--Nothing under 18 Pa.C.S. § 3505 shall  
22 prohibit a municipality from using unmanned aircraft within the  
23 boundaries of the municipality for municipal purposes and  
24 regulating that use.

25 (c) Definition.--As used in this section, the term  
26 "municipality" shall include a county, city, borough,  
27 incorporated town or township or home rule, optional plan or  
28 optional charter municipality, any other general purpose unit of  
29 government established by the General Assembly, a municipal  
30 authority and any entity formed pursuant to Ch. 23 Subch. A

1 (relating to intergovernmental cooperation).

2 Section 3. This act shall take effect in 90 days.

