

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1339 Session of 2015

INTRODUCED BY PYLE, KOTIK, WARNER, REESE, ROZZI, DIAMOND, GROVE, MURT, METCALFE, HARHAI, TOOHL, BOBACK, HEFFLEY, SANKEY, EVERETT, WATSON, B. MILLER, BAKER, M. K. KELLER, KORTZ, SONNEY, METZGAR, COHEN, JOZWIAK, IRVIN, GILLEN, SAYLOR, HARPER, CAUSER, PHILLIPS-HILL AND DAVIS, JUNE 16, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in burglary and other criminal
3 intrusion, providing for the offense of ~~criminal surveillance~~ <--
4 UNLAWFUL USE OF UNMANNED AIRCRAFT. <--

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

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

9 ~~§ 3505. Criminal surveillance.~~ <--

10 ~~(a) Offense defined. A person commits the crime of criminal~~
11 ~~surveillance if he trespasses in a private place with the intent~~
12 ~~to engage in surveillance of another person.~~

13 § 3505. UNLAWFUL USE OF UNMANNED AIRCRAFT. <--

14 (A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF
15 UNLAWFUL USE OF UNMANNED AIRCRAFT IF THE PERSON INTENTIONALLY OR
16 KNOWINGLY USES AN UNMANNED AIRCRAFT TO CONDUCT SURVEILLANCE OF
17 ANOTHER PERSON IN A PRIVATE PLACE.

1 (b) Separate violations.--A separate violation of this
2 section shall occur:

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

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

10 (c) Penalties.--

11 (1) A single violation of this section shall constitute
12 a summary offense.

13 (2) Multiple violations of this section shall constitute
14 a misdemeanor of the third degree.

15 (d) Exceptions.--Subsection (a) shall not apply if the
16 conduct proscribed under subsection (a) is done by any of the
17 following:

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

20 (2) Law enforcement officers, personnel of the
21 Department of Corrections or a local correctional facility,
22 prison or jail for security purposes or during investigation
23 of alleged misconduct by a person in the custody of the
24 Department of Corrections or local authorities.

25 (3) Firefighters, as defined in section 2 of the act of
26 December 16, 1998 (P.L.980, No.129), known as the Police
27 Officer, Firefighter, Correction Employee and National Guard
28 Member Child Beneficiary Education Act, or special fire
29 police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D
30 (relating to special fire police), engaged in the performance

1 of their official firefighting or fire police duties.

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

5 ~~(5) A person who is a passenger or pilot of an aircraft~~ <--
6 ~~operating in a manner consistent with 74 Pa.C.S. § 5501~~
7 ~~(relating to ownership of space).~~

8 (5) AN EMPLOYEE OR AGENT OF AN ELECTRIC, WATER, NATURAL <--
9 GAS OR OTHER UTILITY WHILE ENGAGED IN THE PERFORMANCE OF THE
10 EMPLOYEE'S OR AGENT'S OFFICIAL DUTIES.

11 (6) A PERSON ENGAGED IN AERIAL DATA COLLECTION, IF THE
12 UNMANNED AIRCRAFT IS AUTHORIZED BY AN EXEMPTION THAT IS
13 ISSUED BY THE FEDERAL AVIATION ADMINISTRATION OR IS USED IN
14 COMPLIANCE WITH REGULATIONS PROMULGATED BY THE FEDERAL
15 AVIATION ADMINISTRATION.

16 (7) AN EMPLOYEE OR AGENT OF A GOVERNMENT AGENCY WHILE
17 ENGAGED IN THE PERFORMANCE OF THE EMPLOYEE'S OR AGENT'S
18 OFFICIAL DUTIES.

19 (e) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 ~~"Aircraft." The term as defined in 74 Pa.C.S. § 5102~~ <--
23 ~~(relating to definitions).~~

24 "Law enforcement officer." Any officer of the United States,
25 of another state or subdivision thereof, or of the Commonwealth
26 or political subdivision thereof, who is empowered by law to
27 conduct investigations of or to make arrests for offenses
28 enumerated in this title or an equivalent crime in another
29 jurisdiction and any attorney authorized by law to prosecute or
30 participate in the prosecution of such offense.

1 ~~"Private place." A place where a person may reasonably~~ <--
2 ~~expect to be safe from surveillance.~~ HAS A REASONABLE <--
3 EXPECTATION OF PRIVACY.

4 ~~"Surveillance." Observation or recording of the activities~~ <--
5 ~~of another person or invading the privacy of the person~~
6 ~~observed.~~

7 ~~"Trespassing." Entering or remaining, or causing any~~
8 ~~instrument or device equipped with technology to facilitate~~
9 ~~surveillance to enter or remain, on the land or in the airspace~~
10 ~~of another, by one who knows he is not authorized or privileged~~
11 ~~to do so.~~ USING OR CAUSING TO BE USED AN UNMANNED AIRCRAFT TO <--
12 ENTER OR REMAIN ON OR ABOVE THE LAND OF ANOTHER IN ORDER TO
13 OBSERVE, RECORD OR INVADE THE PRIVACY OF ANOTHER.

14 "UNMANNED AIRCRAFT." AN AIRCRAFT THAT IS OPERATED WITHOUT
15 THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM WITHIN OR ON
16 THE AIRCRAFT.

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