
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1346 Session of
2017

INTRODUCED BY PYLE, ROZZI, PICKETT, SOLOMON, MARSHALL,
BERNSTINE, RYAN, CAUSER, SCHLOSSBERG, MILLARD, D. COSTA,
O'NEILL, READSHAW, B. MILLER, WARD, JAMES, IRVIN, GROVE,
OBERLANDER, KNOWLES, WATSON, C. QUINN, JOZWIAK, KAUFFMAN AND
COOK, MAY 8, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MAY 8, 2017

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

1 in violation of section 5123 (relating to contraband) or 61
2 Pa.C.S. § 5902 (relating to contraband prohibited).

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

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

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

12 (c) Penalties.--

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

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

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

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

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

29 (e) Other exceptions.--Subsection (a) (1) and (2) shall not
30 apply if the conduct proscribed under subsection (a) (1) or (2)

1 is committed by any of the following:

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

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

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

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

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

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

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

28 "Law enforcement officer." An officer of the United States,
29 of another state or subdivision thereof, or of the Commonwealth
30 or political subdivision thereof, who is empowered by law to

1 conduct investigations of or to make arrests for offenses
2 enumerated in this title or an equivalent crime in another
3 jurisdiction and an attorney authorized by law to prosecute or
4 participate in the prosecution of the offense.

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

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

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

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

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

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

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

1 authority and any entity formed pursuant to Ch. 23 Subch. A
2 (relating to intergovernmental cooperation).

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