

SB 49-FN - AS AMENDED BY THE SENATE

03/13/2025 0754s

2025 SESSION

25-0921

09/11

SENATE BILL **49-FN**

AN ACT establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

SPONSORS: Sen. Birdsell, Dist 19; Rep. Roy, Rock. 31

COMMITTEE: Judiciary

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ANALYSIS

This bill establishes the crime of and penalties for unlawful use of small unmanned aircraft systems.

This bill is at the request of the department of safety.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; Unlawful Operation or Use of Unmanned Aircraft Systems. Amend RSA 644 by  
2 inserting after section 644:22 the following new section:

3 644:23 Unlawful Operation or Use of a Small Unmanned Aircraft System.

4 I. A person is guilty of a misdemeanor for a first offense, and a felony for a second or  
5 subsequent offense, if such person operates a small unmanned aircraft system ("UAS") that  
6 interferes with law enforcement, firefighting, or other emergency response operations, over a  
7 military installation, or violates any provisions of RSA 644:9.

8 II. A person is guilty of:

9 (a) A class A misdemeanor for a first offense, and a felony for a second or subsequent  
10 offense, if such person negligently operates a small UAS in a manner so as to interfere with or  
11 disrupt the flight of a human-occupied aircraft, or otherwise impede the normal course of operations  
12 of any international, regional, municipal, or general aviation airport.

13 (b) A class B felony if such operation results in damage to a human-occupied aircraft in  
14 flight.

15 (c) A class A felony if such operation causes said aircraft to crash and such crash results  
16 in death or serious bodily injury.

17 III. A person is guilty of a misdemeanor if such a person operates a small UAS in FAA-  
18 restricted airspace over the property of a federal or state correctional, penal, or detention facility, or  
19 over a military installation, and a class B felony if such operation is done with the purpose of  
20 delivering contraband into the facility or to aid in the escape of a prisoner.

21 IV. A person is guilty of a class B felony if such person is knowingly in possession of or  
22 operates a small UAS equipped with a device capable of causing serious bodily injury, death, or  
23 property damage or is otherwise capable of firing or releasing a projectile. Federal, state, and  
24 municipal public safety bomb squad personnel are exempted from this provision for the limited  
25 purpose of use of a small UAS for the disposal of explosives, bombs, and hazardous devices. Law  
26 enforcement's use of a small UAS to deploy distraction or disorientation devices is exempt from this  
27 provision.

28 V. This provision shall not apply to any law enforcement officer acting pursuant to his or her  
29 lawful authority.

30 2 Effective Date. This act shall take effect January 1, 2026.

**SB 49-FN- FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2025-0754s)**

AN ACT                    establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

**\*Expenditure = Cost of bill                    \*Appropriation = Authorized funding to cover cost of bill**

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association