

HB 468-FN - AS AMENDED BY THE HOUSE

20Feb2025... 0290h

2025 SESSION

25-0708
09/11

HOUSE BILL

468-FN

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

SPONSORS: Rep. Roy, Rock. 31; Rep. Wheeler, Hills. 33; Sen. Birdsell, Dist 19

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 22 the following new section:

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

4 I. As used in this section:

5 (a) "Aircraft" shall mean "aircraft" as it is defined in RSA 422:3, VI.

6 (b) "Operation" or "operate" shall mean "operation of aircraft" or "operate aircraft" as
7 those terms are defined in RSA 422:3, XXII.

8 (c) "Small unmanned aircraft" shall mean "small unmanned aircraft" as it is defined in
9 RSA 422:3, XXVII-a.

10 (d) "Small unmanned aircraft system" shall mean "small unmanned aircraft system" as
11 it is defined in RSA 422:3, XXVII-b.

12 II. A person is guilty of a violation for a first offense, and a misdemeanor for a second or
13 subsequent offense, if such person operates a small unmanned aircraft system in violation of laws
14 and regulations of the Federal Aviation Administration (FAA), including but not limited to 14 C.F.R.
15 part 107.

16 III. A person is guilty of a misdemeanor if such a person operates a small unmanned aircraft
17 system that interferes with law enforcement, firefighting, or other emergency response operations,
18 or violates any provisions of RSA 644:9. News media personnel are exempt from this provision as
19 long as they:

20 (a) Comply with FAA Small Unmanned Aircraft Systems Rule, 14 C.F.R. part 107;

21 (b) Possess a valid FAA-issued certificate of waiver or authorization (COA) for the
22 operation of a drone for news gathering purposes;

23 (c) Do not operate the drone in any way that jeopardizes the safety of law enforcement,
24 other emergency response personnel in the performance of their duties, or others on the ground; and

25 (d) Follow directives from the agency in charge of the scene, including requests to alter
26 or cease operations.

27 IV. A person is guilty of:

28 (a) A class A misdemeanor if such person negligently operates a small unmanned
29 aircraft system in a manner so as to interfere with or disrupt the flight of a human-occupied aircraft,

HB 468-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 or otherwise impede the normal course of operations of any international, regional, municipal, or
2 general aviation airport.

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

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

7 V. A person is guilty of a misdemeanor if such a person operates a small unmanned aircraft
8 system in FAA-restricted airspace over the property of a federal, state, or county correctional, penal,
9 or detention facility, and a class B felony if such operation is done with the purpose of delivering
10 contraband into the facility or to aid in the escape of a prisoner.

11 VI. A person is guilty of a class B felony if such person is knowingly in possession of or
12 operates a small unmanned aircraft system equipped with a device capable of causing serious bodily
13 injury, death, or property damage or is otherwise capable of firing or releasing a projectile. Federal,
14 state, and municipal public safety bomb squad personnel are exempted from this provision for the
15 limited purpose of use of a small unmanned aircraft system for the disposal of explosives, bombs,
16 and hazardous devices. Law enforcement's use of a small unmanned aircraft system to deploy
17 distraction or disorientation devices is exempt from this provision.

18 VII. This provision shall not apply to any law enforcement officer acting pursuant to his or
19 her lawful authority.

20 2 New Paragraph; Prohibitions; Unlawful Operation or Use of Unmanned Aircraft Systems.
21 Amend RSA 422:28 by inserting after paragraph XIV the following new paragraph:

22 XV. For any person to operate or use a small unmanned aircraft system in violation of RSA
23 644:23.

24 3 New Paragraph; Penalties; Unlawful Operation or Use of Unmanned Aircraft Systems.
25 Amend RSA 422:29 by inserting after paragraph IX the following new paragraph:

26 X. The penalties for a violation of RSA 422:28, XV are those provided in RSA 644:23.

27 4 Effective Date. This act shall take effect January 1, 2026.

**HB 468-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0290h)**

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

FISCAL IMPACT:

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

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

| Estimated Political Subdivision Impact | | | | |
|---|----------------|----------------|----------------|----------------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| County Revenue | \$0 | \$0 | \$0 | \$0 |
| County Expenditures | Indeterminable | | | |
| Local Revenue | \$0 | \$0 | \$0 | \$0 |
| Local Expenditures | 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

AGENCIES CONTACTED:

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