

Amendment to HB 1580-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT regulating the use of unmanned aircraft systems.

4
5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 New Paragraph; New Hampshire Aeronautics Act; Exceptions. Amend RSA 422:22 by
8 inserting after paragraph VI the following new paragraph:

9 VII. The registration of an unmanned aircraft system as defined in RSA 422-D.

10 2 New Chapter; Unmanned Aircraft System. Amend RSA by inserting after chapter 422-C the
11 following new chapter:

12 CHAPTER 422-D

13 UNMANNED AIRCRAFT SYSTEM

14 422-D:1 Definitions. In this chapter:

15 I. "Critical infrastructure" means a county, city, or town jail or detention facility, police
16 station or fire station; any prison, facility, or institution under the control of the department of
17 corrections; and any additional structure designated by the Federal Aviation Administration as
18 critical infrastructure.

19 II. "Unmanned Aircraft System (UAS)" is one which:

- 20 (a) Does not carry a human operator;
21 (b) Uses aerodynamic forces to provide vehicle lift;
22 (c) Can fly autonomously or be piloted remotely; and
23 (d) May be expandable or recoverable.

24 422-D:2 Unlawful Operation or Use of an Unmanned Aircraft System.

25 I. A person shall be guilty of a violation for a first offense, or a misdemeanor for a second or
26 subsequent offense, if such person operates a UAS which:

27 (a) Is prohibited by a federal law or regulation that governs aeronautics, including
28 Federal Aviation Administration regulations; or

29 (b) Interferes with a law enforcement, firefighting, or other emergency response
30 operation.

31 II. A person shall be guilty of a misdemeanor if such person operates a UAS:

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1 (a) Without a warrant, except for emergency response for safety and/or law enforcement
2 investigations, to intentionally conduct surveillance of, gather evidence or collect information about,
3 or photographically or electronically record, specifically targeted persons or specifically targeted
4 private property including, but not limited to, an individual or dwelling owned by an individual and
5 such dwelling's curtilage, without such individual's written consent; or

6 (b) To photograph or otherwise record an individual, without such individual's consent,
7 for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

8 III. A person shall be guilty of a class B felony if such person weaponizes a UAS or operates
9 a weaponized UAS.

10 IV. A person shall be guilty of a class A felony if such person weaponizes a UAS and
11 discharges the weapon on the UAS.

12 422-D:3 Exceptions. The prohibitions under RSA 422-D:2 shall not apply to:

13 I. Images derived from lands owned by, or under the control of, the government entity that
14 obtained such images, such as state parks and forests; or

15 II. Incidental images of private property provided no personal information is obtained or
16 retained by the person operating the UAS.

17 422-D:4 Critical Infrastructure Designation. The department of transportation, bureau of
18 aeronautics, shall apply to the Federal Aviation Administration to request the structures specified in
19 RSA 422-D:1, I to be designated as critical infrastructure.

20 3 Breaches of the Peace; Violation of Privacy. Amend RSA 644:9, IV to read as follows:

21 IV. A person is guilty of a misdemeanor if such person knowingly enters any residential
22 curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph II of this
23 section, without lawful authority and looks into the residential structure thereon or other private
24 place with no legitimate purpose. ***Any person who violates this paragraph by using or***
25 ***operating an unmanned aircraft system as defined in RSA 422-D shall be guilty of a class A***
26 ***misdemeanor.***

27 4 Effective Date. This act shall take effect January 1, 2021.

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AMENDED ANALYSIS

This bill regulates the use of unmanned aircraft systems and establishes criminal penalties and for violations of the law.