JAN 2 0 2023

## A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT SYSTEMS.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that the proliferation of
- 2 unmanned aircraft systems, commonly called drones, has led to
- 3 privacy and public safety concerns for individuals, especially
- 4 when the drones are flown over their property. The legislature
- 5 further finds that Hawai'i's laws do not adequately address these
- 6 situations and that some states have enacted laws that prohibit
- 7 trespassing on private property with a drone, including
- 8 Louisiana, South Dakota, Tennessee, and Virginia.
- 9 The purpose of this Act is to prohibit trespass with an
- 10 unmanned aircraft system, with exceptions.
- 11 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
- 12 amended by adding a new section to be appropriately designated
- 13 and to read as follows:
- 14 "§711- Trespass with an unmanned aircraft system;
- 15 penalty. (1) A person commits the offense of trespass with an
- 16 unmanned aircraft system if the person intentionally causes an
- 17 unmanned aircraft system to:



| 1  | <u>(a)</u>   | Enter the property of another and come within fifty    |
|----|--|--|
| 2  |  | feet of a dwelling to coerce, intimidate, or harass    |
| 3  |  | another person or, after having been given actual      |
| 4  |  | notice to desist, for any other reason; or             |
| 5  | <u>(b)</u>   | Take off or land in violation of current Federal       |
| 6  |  | Aviation Administration special security instructions  |
| 7  |  | or UAS security sensitive airspace restrictions.       |
| 8  | (2)  | This section shall not apply to any person who causes  |
| 9  | an unmann  | ed aircraft system to enter the property as specified  |
| 10 | in subsection (1) if consent was given to the entry by any |  |
| 11 | person wi  | th legal authority to consent or by any person who is  |
| 12 | lawfully   | present on the property, or if the person was          |
| 13 | authorize  | d by the federal regulations to operate an unmanned    |
| 14 | aircraft   | system and was operating the system in an otherwise    |
| 15 | lawful ma  | nner and consistent with federal regulations.          |
| 16 | (3)  | Violation of trespass with an unmanned aircraft system |
| 17 | is a misd  | emeanor."  |
| 18 | SECT   | ION 3. New statutory material is underscored.          |
| 19 | SECT   | TION 4. This Act shall take effect upon its approval.  |
| 20 |  | / ful that   |
|    |  | TNTRODUCED BY  |

# S.B. NO. 989

### Report Title:

Drones; Unmanned Aircraft System; Trespass; Penalty

### Description:

Prohibits trespass with an unmanned aircraft system, with exceptions. Establishes a penalty.

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