
A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT.

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

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . UNCREWED AIRCRAFT**

5 **§711-A Definitions.** As used in this part:

6 "Aircraft" means any device, craft, vehicle, or contrivance
7 that is invented, used, or designed to navigate, fly, or travel
8 in the air, or that is used or intended to be used for flight in
9 the air.

10 "Uncrewed aircraft" means any aircraft that is operated or
11 designed to be operated without a person in or on the aircraft,
12 or without the possibility of direct human intervention from
13 within or on the aircraft.

14 **§711-B Misuse of uncrewed aircraft in the first degree.**

15 (1) A person commits the offense of misuse of uncrewed aircraft
16 in the first degree if the person intentionally or knowingly:



- 1 (a) Equips or arms an uncrewed aircraft with a firearm,
2 explosive, electric gun, or weapon of mass
3 destruction;
- 4 (b) Possesses, receives, transfers, operates, or produces
5 an uncrewed aircraft that is equipped or armed with a
6 firearm, explosive, electric gun, or weapon of mass
7 destruction;
- 8 (c) Discharges or deploys a firearm, explosive, electric
9 gun, or weapon of mass destruction using an uncrewed
10 aircraft;
- 11 (d) Operates an uncrewed aircraft and thereby
12 intentionally, knowingly, or recklessly interferes
13 with or disrupts the operation of any manned aircraft;
- 14 (e) Uses an uncrewed aircraft to transport and introduce,
15 or to attempt to transport and introduce, contraband,
16 drugs, or dangerous instruments into a prison; or
- 17 (f) Operates an uncrewed aircraft and thereby causes
18 serious bodily injury to another person.
- 19 (2) Misuse of uncrewed aircraft in the first degree is a
20 class A felony.



1 (3) Subsection (1)(a), (b), (c), (d), and (g) shall not
2 apply to any police officer, deputy sheriff, adult corrections
3 officer, correctional worker, or fire department personnel
4 acting within the course and scope of their duties, or to any
5 other person acting under the authority of, or pursuant to a
6 contract with, the United States or a state or county
7 government, or any department or agency of the United States or
8 a state or county government.

9 (4) For purposes of this subsection:

10 "Contraband" has the same meaning as in section 710-1023.

11 "Dangerous instrument" has the same meaning as in section
12 707-700.

13 "Drug" has the same meaning as in section 710-1022.

14 "Electric gun" has the same meaning as in section 134-81.

15 "Explosive" means a device composed of a single ingredient,
16 or mixture of ingredients, capable of instantaneously releasing
17 a sufficient amount of energy to inflict substantial damage to
18 persons or property, and includes fireworks as defined in
19 section 132D-2.

20 "Firearm" has the same meaning as in section 134-1.



1 "Prison" includes jails, prisons, correctional centers,
2 correctional facilities, and detention centers.

3 "Serious bodily injury" has the same meaning as in section
4 707-700.

5 "Weapon of mass destruction" means any weapon that is
6 designed or intended to cause death or serious bodily injury
7 through the release, dissemination, or impact of toxic or
8 poisonous chemicals, or other precursors, and includes any
9 weapon involving a biological agent, toxin, or vector and any
10 weapon designed to release radiation or radioactivity at a level
11 dangerous to human life.

12 **§711-C Misuse of uncrewed aircraft in the second degree.**

13 (1) A person commits the offense of misuse of uncrewed aircraft
14 in the second degree if the person intentionally or knowingly:

15 (a) Disables any required identification transmission or
16 signaling of an uncrewed aircraft;

17 (b) Disables or obscures any anti-collision lighting of an
18 uncrewed aircraft or fails to have or illuminate the
19 lighting as required by law or by the rules,
20 regulations, and orders of the Federal Aviation
21 Administration;



1 (c) Operates an uncrewed aircraft and thereby causes
2 substantial bodily injury to another person; or

3 (d) Operates an uncrewed aircraft and thereby damages the
4 property of another, without the other's consent, in
5 an amount exceeding \$20,000.

6 (2) Misuse of uncrewed aircraft in the second degree is a
7 class B felony.

8 (3) This section shall not apply to any police officer,
9 deputy sheriff, adult corrections officer, correctional worker,
10 or fire department personnel acting within the course and scope
11 of their duties, or to any other person acting under the
12 authority of, or pursuant to a contract with, the United States
13 or a state or county government, or any department or agency of
14 the United States or a state or county government.

15 (4) For purposes of this subsection, "substantial bodily
16 injury" has the same meaning as in section 707-700.

17 **§711-D Misuse of uncrewed aircraft in the third degree.**

18 (1) A person commits the offense of misuse of uncrewed aircraft
19 in the third degree if the person intentionally, knowingly, or
20 recklessly:



- 1 (a) Removes, obliterates, alters, or tampers with the
2 identification or registration number of an uncrewed
3 aircraft;
- 4 (b) Operates an uncrewed aircraft and thereby obstructs,
5 impairs, or hinders the performance of a police
6 officer, deputy sheriff, or fire department personnel
7 acting under color of their official authority;
- 8 (c) Operates an uncrewed aircraft and thereby causes
9 bodily injury to another person;
- 10 (d) Operates an uncrewed aircraft and thereby damages the
11 property of another, without the other's consent, in
12 an amount exceeding \$750;
- 13 (e) Operates an uncrewed aircraft while under the
14 influence of an intoxicant;
- 15 (f) Operates an uncrewed aircraft after the person's
16 license, certificate, or privilege to operate an
17 uncrewed aircraft has been revoked, suspended, or
18 otherwise restricted by the issuing governmental
19 authority; or
- 20 (g) Uses an uncrewed aircraft in furtherance of the
21 commission of a felony.



1 (2) Misuse of uncrewed aircraft in the third degree is a
2 class C felony.

3 (3) This section shall not apply to any police officer,
4 deputy sheriff, adult corrections officer, correctional worker,
5 or fire department personnel acting within the course and scope
6 of their duties, or to any other person acting under the
7 authority of, or pursuant to a contract with, the United States
8 or a state or county government, or any department or agency of
9 the United States or a state or county government.

10 (4) For purposes of this subsection:

11 "Bodily injury" has the same meaning as in section 707-700.

12 "Intoxicant" has the same meaning as in section 291E-1.

13 "Under the influence" has the same meaning as in section
14 291E-1; provided that the term "uncrewed aircraft" shall be
15 substituted for the term "vehicle" as used therein.

16 **§711-E Uncrewed aircraft; operation.** Notwithstanding
17 section 711-B(3), 711-C(3), and 711-D(3), uncrewed aircraft
18 shall be directly operated by a human operator at all times."

19 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
20 amended as follows:



1 1. By designating sections 711-1100 to 711-1113 as part I,
2 entitled "General Provisions".

3 2. By designating section 711-1114 for inclusion within
4 the new part added by section 1 of this Act.

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. In codifying the new sections added by
9 section 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Honolulu Prosecuting Attorney Package; Uncrewed Aircraft;
Criminal Offenses

Description:

Establishes the felony offenses of misuse of uncrewed aircraft in the first, second, and third degrees. Requires uncrewed aircraft to be operated by a human operator at all times. (SD2)

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