

ACT 58

S.B. NO. 989

A Bill for an Act Relating to Unmanned Aircraft Systems.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the proliferation of unmanned aircraft systems, commonly called drones, has led to privacy and public safety concerns for individuals, especially when the drones are flown over their property. The legislature further finds that Hawai'i's laws do not adequately address these situations and that some states, including Louisiana, South Dakota, Tennessee, and Virginia have enacted laws that prohibit trespassing on private property with a drone.

The purpose of this Act is to establish the offense of trespass with an unmanned aircraft system.

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

“§711- Trespass with an unmanned aircraft system. (1) A person commits the offense of trespass with an unmanned aircraft system if the person intentionally causes an unmanned aircraft system to:

- (a) Cross the property line of another and come within fifty feet of a dwelling to coerce, intimidate, or harass another person or, after having been given actual notice to desist, for any other reason; or
 - (b) Take off or land in violation of current Federal Aviation Administration special security instructions or unmanned aircraft systems security sensitive airspace restrictions.
- (2) This section shall not apply if:
- (a) Consent was given to the entry by any person with legal authority to consent or by any person who is lawfully present on the property; or
 - (b) The person was authorized by federal regulations to operate an unmanned aircraft system and was operating the system in an otherwise lawful manner and consistent with federal regulations.
- (3) Trespass with an unmanned aircraft system is a misdemeanor.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 5, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.