

A Bill for an Act Relating to Unmanned Aircraft.

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

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

“PART . UNCREWED AIRCRAFT

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

“Aircraft” means any device, craft, vehicle, or contrivance that is invented, used, or designed to navigate, fly, or travel in the air, or that is used or intended to be used for flight in the air.

“Uncrewed aircraft” means any aircraft that is operated or designed to be operated without a person in or on the aircraft, or without the possibility of direct human intervention from within or on the aircraft.

§711-B Misuse of uncrewed aircraft in the first degree. (1) A person commits the offense of misuse of uncrewed aircraft in the first degree if the person intentionally or knowingly:

- (a) Equips or arms an uncrewed aircraft with a firearm, explosive, electric gun, or weapon of mass destruction;
- (b) Possesses, receives, transfers, operates, or produces an uncrewed aircraft that is equipped or armed with a firearm, explosive, electric gun, or weapon of mass destruction;
- (c) Discharges or deploys a firearm, explosive, electric gun, or weapon of mass destruction using an uncrewed aircraft;
- (d) Operates an uncrewed aircraft and thereby intentionally, knowingly, or recklessly interferes with or disrupts the operation of any manned aircraft;
- (e) Uses an uncrewed aircraft to transport and introduce, or to attempt to transport and introduce, contraband, drugs, or dangerous instruments into a prison; or
- (f) Operates an uncrewed aircraft and thereby causes serious bodily injury to another person.

(2) Misuse of uncrewed aircraft in the first degree is a class A felony.

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

(4) For purposes of this subsection:

“Contraband” has the same meaning as in section 710-1023.

“Dangerous instrument” has the same meaning as in section 707-700.

“Drug” has the same meaning as in section 710-1022.

“Electric gun” has the same meaning as in section 134-81.

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

“Firearm” has the same meaning as in section 134-1.

“Prison” includes jails, prisons, correctional centers, correctional facilities, and detention centers.

“Serious bodily injury” has the same meaning as in section 707-700.

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

§711-C Misuse of uncrewed aircraft in the second degree. (1) A person commits the offense of misuse of uncrewed aircraft in the second degree if the person intentionally or knowingly:

- (a) Disables any required identification transmission or signaling of an uncrewed aircraft;
- (b) Disables or obscures any anti-collision lighting of an uncrewed aircraft or fails to have or illuminate the lighting as required by law or by the rules, regulations, and orders of the Federal Aviation Administration;
- (c) Operates an uncrewed aircraft and thereby causes substantial bodily injury to another person; or
- (d) Operates an uncrewed aircraft and thereby damages the property of another, without the other’s consent, in an amount exceeding \$20,000.

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

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

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

§711-D Misuse of uncrewed aircraft in the third degree. (1) A person commits the offense of misuse of uncrewed aircraft in the third degree if the person intentionally, knowingly, or recklessly:

- (a) Removes, obliterates, alters, or tampers with the identification or registration number of an uncrewed aircraft;
- (b) Operates an uncrewed aircraft and thereby obstructs, impairs, or hinders the performance of a police officer, deputy sheriff, or fire department personnel acting under color of their official authority;
- (c) Operates an uncrewed aircraft and thereby causes bodily injury to another person;
- (d) Operates an uncrewed aircraft and thereby damages the property of another, without the other’s consent, in an amount exceeding \$750;
- (e) Operates an uncrewed aircraft while under the influence of an intoxicant;
- (f) Operates an uncrewed aircraft after the person’s license, certificate, or privilege to operate an uncrewed aircraft has been revoked, suspended, or otherwise restricted by the issuing governmental authority; or

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(g) Uses an uncrewed aircraft in furtherance of the commission of a felony.

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

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

(4) For purposes of this subsection:

“Bodily injury” has the same meaning as in section 707-700.

“Intoxicant” has the same meaning as in section 291E-1.

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

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

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

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

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

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

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

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

(Approved July 2, 2024.)