

**CRIMES CODE (18 PA.C.S.) AND MUNICIPALITIES (53 PA.C.S.) -
UNLAWFUL USE OF UNMANNED AIRCRAFT AND PROHIBITING LOCAL
REGULATION OF UNMANNED AIRCRAFT**

Act of Oct. 12, 2018, P.L. 516, No. 78

Cl. 18

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HB 1346

AN ACT

Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, defining the offense of unlawful use of unmanned aircraft; and, in preemptions, prohibiting local regulation of unmanned aircraft.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3505. Unlawful use of unmanned aircraft.

(a) Offense defined.--A person commits the offense of unlawful use of unmanned aircraft if the person uses an unmanned aircraft intentionally or knowingly to:

(1) Conduct surveillance of another person in a private place.

(2) Operate in a manner which places another person in reasonable fear of bodily injury.

(3) Deliver, provide, transmit or furnish contraband in violation of section 5123 (relating to contraband) or 61 Pa.C.S. § 5902 (relating to contraband prohibited).

(b) Grading.--The offense of unlawful use of unmanned aircraft shall be graded as follows:

(1) An offense under subsection (a) (1) or (2) is a summary offense punishable by a fine of up to \$300.

(2) An offense under subsection (a) (3) is a felony of the second degree.

(c) Exceptions for law enforcement officers.--Subsection (a) shall not apply if the conduct proscribed under subsection (a) is committed by any of the following:

(1) Law enforcement officers engaged in the performance of their official law enforcement duties.

(2) Personnel of the Department of Corrections, local correctional facility, prison or jail engaged in the performance of their official duties.

(d) Other exceptions.--Subsection (a)(1) and (2) shall not apply if the conduct proscribed under subsection (a)(1) or (2) is committed by any of the following:

(1) Firefighters, as defined in section 2 of the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, or special fire police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police), engaged in the performance of their official firefighting or fire police duties.

(2) Emergency medical responders, as defined in 35 Pa.C.S. § 8103 (relating to definitions), engaged in the performance of their official duties.

(3) An employee or agent of an electric, water, natural gas or other utility while engaged in the performance of the employee's or agent's official duties.

(4) An employee or agent of a government agency while engaged in the performance of the employee's or agent's official duties.

(e) Aerial data collection.--Subsection (a)(1) shall not apply if the conduct proscribed is committed by a person engaged in aerial data collection if:

(1) the person utilized the unmanned aircraft in a manner which complies with Federal Aviation Administration regulations or the unmanned aircraft is authorized by an exemption that is issued by the Federal Aviation Administration; and

(2) the person did not knowingly or intentionally conduct surveillance of another person in a private place.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Bodily injury." As defined in section 2301 (relating to definitions).

"Law enforcement officer." An officer of the United States, of another state or subdivision thereof, or of the Commonwealth or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this title or an equivalent crime in another jurisdiction and an attorney authorized by law to prosecute or participate in the prosecution of the offense.

"Private place." A place where a person has a reasonable expectation of privacy.

"Surveillance." Using or causing to be used an unmanned aircraft to observe, record or invade the privacy of another.

"Unmanned aircraft." An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Section 2. Title 53 is amended by adding a section to read:
§ 305. Local regulation of unmanned aircraft prohibited.

(a) **Preemption.--The provisions of 18 Pa.C.S. § 3505 (relating to unlawful use of unmanned aircraft) shall preempt and supersede any ordinance, resolution, rule or other enactment of a municipality regulating the ownership or operation of unmanned aircraft. As of the effective date of this section, a municipality shall not regulate the ownership or operation of unmanned aircraft unless expressly authorized by statute.**

(b) **Municipal use.--Nothing under 18 Pa.C.S. § 3505 shall prohibit a municipality from using unmanned aircraft within the boundaries of the municipality for municipal purposes and regulating that use.**

(c) **Definition.--As used in this section, the term "municipality" shall include a county, city, borough, incorporated town or township or home rule, optional plan or optional charter municipality, any other general purpose unit of government established by the General Assembly, a municipal authority and any entity formed pursuant to Ch. 23 Subch. A (relating to intergovernmental cooperation).**

Section 3. This act shall take effect in 90 days.

APPROVED--The 12th day of October, A.D. 2018.

TOM WOLF