

29-LS1271\W
Wayne
1/20/16

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HUGHES

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to operating unmanned aircraft."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 02.30 is amended by adding a new section to read:

4 **Sec. 02.30.032. Failure to land unmanned aircraft at direction of peace**
5 **officer.** (a) A person commits the offense of failing to land an unmanned aircraft at the
6 direction of a peace officer if the person, while operating an unmanned aircraft,
7 knowingly fails to land the unmanned aircraft as soon as practicable and in a
8 reasonably safe manner under the circumstances when requested or signaled to do so
9 by a peace officer.

10 (b) In a prosecution under this section, it is an affirmative defense that the
11 peace officer, when requesting or signaling the defendant to land,

12 (1) was operating a vehicle, motor vehicle, aircraft, or watercraft, and
13 the vehicle, motor vehicle, aircraft, or watercraft

14 (A) did not meet lighting and audible signaling requirements of
15 law for law enforcement vehicles; and

(B) was not marked appropriately so that a reasonable person would recognize it as a law enforcement vehicle; or

(2) was not operating a vehicle, motor vehicle, aircraft, or watercraft, and the peace officer was not wearing the uniform of office or displaying a badge or other symbol of authority so as to be reasonably identifiable as a peace officer.

(c) In this section,

(1) "peace officer" has the meaning given in AS 11.81.900;

(2) "signal" means a hand motion, audible mechanical or electronic noise device, visual light device, or a combination of them used in a manner that a reasonable person would understand to mean that the peace officer intends that the person operating an unmanned aircraft land the aircraft;

(3) "unmanned aircraft" means an aircraft that is operated without direct human intervention from inside or on the aircraft.

(d) Failing to land an unmanned aircraft at the direction of a peace officer is a violation punishable as provided in AS 12.55.035 for the first offense and a class B misdemeanor punishable as provided in AS 12.55 for each subsequent offense.

* **Sec. 2.** AS 11.61.110(a) is amended to read:

(a) A person commits the crime of disorderly conduct if,

(1) with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(2) in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(3) in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

(4) in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;

(5) in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;

(6) the person recklessly creates a hazardous condition for others by an act that [WHICH] has no legal justification or excuse; [OR]

(7) the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person; or

(8) the person pilots or operates an unmanned aircraft and causes the aircraft to hover

(A) in the airspace above private property or other private place without

(i) a right of possession of the property or place; or

(ii) the express invitation of the owner or other person having a right of possession of the property or place; and

(B) with the intent to obtain, produce, or transmit a picture of another person without the express consent of that person and, if that person is under 16 years of age, the parents or guardian of that person.

* **Sec. 3.** AS 11.61.110(c) is amended to read:

(c) Disorderly conduct is a class B misdemeanor and is punishable as authorized in AS 12.55 except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than 10 days. For a conviction under this section based on conduct involving the piloting or operating of an unmanned aircraft, the court may also prohibit the defendant from possessing or operating an unmanned aircraft for a period of not more than one year.

* **Sec. 4.** AS 11.61.110 is amended by adding new subsections to read:

(d) In a prosecution under (a)(1) - (4) or (6) of this section, it is not a defense that, at the time of the offense, the defendant was not in the immediate vicinity or personally present if the defendant was piloting or operating an unmanned aircraft or other remotely controlled device that

(1) made the unreasonably loud noise;

(2) was present at the public or private place; or

1 (3) created the hazardous condition.

2 (e) This section does not apply to the piloting or operation or other use of an
3 unmanned aircraft system by a law enforcement agency as permitted by AS 18.65.900
4 - 18.65.909.

5 (f) In this section,

6 (1) "picture" has the meaning given in AS 11.61.123;

7 (2) "unmanned aircraft" means an aircraft that is piloted or operated
8 without direct human intervention from inside or on the aircraft.

9 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **APPLICABILITY.** AS 02.30.032, added by sec. 1 of this Act, AS 11.61.110(a), as
12 amended by sec. 2 of this Act, AS 11.61.110(c), as amended by sec. 3 of this Act, and
13 AS 11.61.110(d) - (f), added by sec. 4 of this Act, apply to conduct that occurs on or after the
14 effective date of this Act.