

REFERENCE TITLE: **unmanned aircraft systems; unlawful use**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# **HB 2073**

Introduced by  
Representatives Borrelli, Barton: Boyer

**AN ACT**

**AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2931; RELATING TO OFFENSES AGAINST PUBLIC ORDER.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 29, Arizona Revised Statutes, is amended  
3 by adding section 13-2931, to read:

4 13-2931. Unlawful use of unmanned aircraft systems:  
5 classification: definitions

6 A. IT IS UNLAWFUL FOR A PERSON TO OPERATE OR USE AN UNMANNED AIRCRAFT  
7 SYSTEM TO INTENTIONALLY PHOTOGRAPH, ELECTRONICALLY RECORD, COLLECT  
8 INFORMATION, CONDUCT SURVEILLANCE OR GATHER EVIDENCE ON EITHER OF THE  
9 FOLLOWING:

10 1. A CRITICAL FACILITY, WITHOUT THE PRIOR WRITTEN CONSENT OF THE OWNER  
11 OR OPERATOR OF THE CRITICAL FACILITY.

12 2. A PERSON OR THE PERSON'S PROPERTY, WITHOUT THE PRIOR WRITTEN  
13 CONSENT OF THE PERSON.

14 B. THIS SECTION DOES NOT APPLY TO A PERSON WHO USES AN UNMANNED  
15 AIRCRAFT SYSTEM ON THE PERSON'S OWN PROPERTY OR ON ANOTHER PERSON'S PROPERTY  
16 IF THE PERSON HAS A VALID LEASE, EQUITABLE SERVITUDE, RIGHT-OF-WAY, RIGHT OF  
17 USE, PERMIT, LICENSE OR OTHER LAWFUL RIGHT TO USE THE PROPERTY.

18 C. A VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS SECTION IS A CLASS  
19 \_\_ FELONY, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS \_\_ FELONY.  
20 A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS A CLASS \_\_  
21 MISDEMEANOR.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "CRITICAL FACILITY" MEANS ANY OF THE FOLLOWING:

24 (a) PETROLEUM AND ALUMINA REFINERIES.

25 (b) CHEMICAL AND RUBBER MANUFACTURING FACILITIES.

26 (c) NUCLEAR POWER ELECTRIC GENERATION FACILITIES.

27 2. "FEDERAL GOVERNMENT" MEANS THE UNITED STATES GOVERNMENT AND ANY  
28 DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE UNITED STATES GOVERNMENT.

29 3. "STATE" MEANS THIS STATE AND ANY DEPARTMENT, AGENCY OR  
30 INSTRUMENTALITY OF THIS STATE.

31 4. "UNMANNED AIRCRAFT SYSTEM" MEANS A POWERED AIRCRAFT THAT DOES NOT  
32 CARRY A HUMAN OPERATOR, THAT IS AUTONOMOUS OR REMOTELY PILOTED OR OPERATED  
33 AND THAT IS EXPENDABLE OR RECOVERABLE. UNMANNED AIRCRAFT SYSTEM DOES NOT  
34 INCLUDE A SATELLITE ORBITING THE EARTH OR AN UNMANNED AIRCRAFT SYSTEM THAT IS  
35 USED BY ANY OF THE FOLLOWING:

36 (a) THE FEDERAL GOVERNMENT OR A PERSON WHO IS ACTING PURSUANT TO A  
37 CONTRACT WITH THE FEDERAL GOVERNMENT TO CONDUCT SURVEILLANCE OF SPECIFIC  
38 ACTIVITIES.

39 (b) THIS STATE OR A PERSON WHO IS ACTING PURSUANT TO A CONTRACT WITH  
40 THIS STATE TO CONDUCT SURVEILLANCE OF SPECIFIC ACTIVITIES.

41 (c) A LAW ENFORCEMENT AGENCY OR FIRE DEPARTMENT IN THIS STATE.