

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1449

AN ACT

AMENDING SECTIONS 13-1424, 13-1504 AND 13-2904, ARIZONA REVISED STATUTES;
AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3729; AMENDING SECTIONS 28-8242 AND 28-8280, ARIZONA REVISED STATUTES;
RELATING TO UNMANNED AIRCRAFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-1424, Arizona Revised Statutes, is amended to
3 read:

4 13-1424. Voyeurism; classification; definitions

5 A. It is unlawful to knowingly invade the privacy of another person
6 without the knowledge of the other person for the purpose of sexual
7 stimulation.

8 B. It is unlawful for a person to disclose, display, distribute or
9 publish a photograph, videotape, film or digital recording that is made in
10 violation of subsection A of this section without the consent or knowledge of
11 the person depicted.

12 C. For the purposes of this section, a person's privacy is invaded if
13 both of the following apply:

14 1. The person has a reasonable expectation that the person will not be
15 photographed, videotaped, filmed, digitally recorded or otherwise viewed or
16 recorded.

17 2. The person is photographed, videotaped, filmed, digitally recorded
18 or otherwise viewed, with or without a device, either:

19 (a) While the person is in a state of undress or partial dress.

20 (b) While the person is engaged in sexual intercourse or sexual
21 contact.

22 (c) While the person is urinating or defecating.

23 (d) In a manner that directly or indirectly captures or allows the
24 viewing of the person's genitalia, buttock or female breast, whether clothed
25 or unclothed, that is not otherwise visible to the public.

26 D. This section does not apply to any of the following:

27 1. Photographing, videotaping, filming or digitally recording for
28 security purposes if notice of the use of the photographing, videotaping,
29 filming or digital recording equipment is clearly posted in the location and
30 the location is one in which the person has a reasonable expectation of
31 privacy.

32 2. Photographing, videotaping, filming or digitally recording by
33 correctional officials for security reasons or in connection with the
34 investigation of alleged misconduct of persons on the premises of a jail or
35 prison.

36 3. Photographing, videotaping, filming or digitally recording by law
37 enforcement officers pursuant to an investigation, which is otherwise lawful.

38 4. The use of a child monitoring device as defined in section 13-3001.

39 E. A violation of subsection A or B of this section is a class 5
40 felony, except that a violation of subsection B of this section is a class 4
41 felony if the person depicted is recognizable.

42 F. FOR THE PURPOSES OF THIS SECTION:

43 1. "CIVIL UNMANNED AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN
44 SECTION 13-3729.

45 2. "DEVICE" INCLUDES A MODEL AIRCRAFT AND CIVIL UNMANNED AIRCRAFT.

1 3. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION
2 13-3729.

3 Sec. 2. Section 13-1504, Arizona Revised Statutes, is amended to read:
4 13-1504. Criminal trespass in the first degree; classification

5 A. A person commits criminal trespass in the first degree by
6 knowingly:

7 1. Entering or remaining unlawfully in or on a residential structure.

8 2. Entering or remaining unlawfully in a fenced residential yard.

9 3. Entering any residential yard, INCLUDING THROUGH THE USE OF A MODEL
10 AIRCRAFT AS DEFINED IN SECTION 13-3729, and, without lawful authority,
11 looking into the residential structure thereon in reckless disregard of
12 infringing on the inhabitant's right of privacy.

13 4. Entering unlawfully on real property that is subject to a valid
14 mineral claim or lease with the intent to hold, work, take or explore for
15 minerals on the claim or lease.

16 5. Entering or remaining unlawfully on the property of another and
17 burning, defacing, mutilating or otherwise desecrating a religious symbol or
18 other religious property of another without the express permission of the
19 owner of the property.

20 6. Entering or remaining unlawfully in or on a critical public service
21 facility OR A CRITICAL FACILITY AS DEFINED IN SECTION 13-3729, INCLUDING
22 THROUGH THE USE OF AN UNMANNED AIRCRAFT AS DEFINED IN SECTION 13-3729.

23 B. Criminal trespass in the first degree under subsection A, paragraph
24 6 of this section is a class 5 felony. Criminal trespass in the first degree
25 under subsection A, paragraph 1 or 5 of this section is a class 6 felony.
26 Criminal trespass in the first degree under subsection A, paragraph 2, 3 or 4
27 of this section is a class 1 misdemeanor.

28 Sec. 3. Section 13-2904, Arizona Revised Statutes, is amended to read:
29 13-2904. Disorderly conduct; classification

30 A. A person commits disorderly conduct if, with intent to disturb the
31 peace or quiet of a neighborhood, family or person, or with knowledge of
32 doing so, such person:

33 1. Engages in fighting, violent or seriously disruptive behavior; or

34 2. Makes unreasonable noise; or

35 3. Uses abusive or offensive language or gestures to any person
36 present in a manner likely to provoke immediate physical retaliation by such
37 person; or

38 4. Makes any protracted commotion, utterance or display with the
39 intent to prevent the transaction of the business of a lawful meeting,
40 gathering or procession; or

41 5. Refuses to obey a lawful order to disperse issued to maintain
42 public safety in dangerous proximity to a fire, a hazard or any other
43 emergency; or

44 6. Recklessly handles, displays or discharges a deadly weapon or
45 dangerous instrument; ~~OR;~~

1 VIOLATES THIS SUBSECTION, WHETHER ENACTED OR ADOPTED BY THE CITY, TOWN OR
2 COUNTY BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IS VOID.

3 D. THIS SECTION DOES NOT:

4 1. APPLY TO A PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE
5 FEDERAL AVIATION ADMINISTRATION TO OPERATE OR USE AN UNMANNED AIRCRAFT SYSTEM
6 IF THE PERSON'S OR ENTITY'S OPERATION OR USE COMPLIES WITH THE AUTHORIZATION
7 GRANTED TO THE PERSON OR ENTITY OR WITH FEDERAL AVIATION ADMINISTRATION
8 RULES.

9 2. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING
10 ORDINANCES OR RULES ON THE OPERATION OR USE OF A PUBLIC UNMANNED AIRCRAFT
11 THAT IS OWNED BY THE CITY, TOWN OR COUNTY.

12 3. APPLY TO A PERSON WHO TAKES A PHOTOGRAPH THAT INCLUDES AN IMAGE OF
13 PRIVATE PROPERTY IF THE PERSON DID NOT INTEND TO CAPTURE THE PRIVATE PROPERTY
14 IN THE PHOTOGRAPH.

15 4. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING
16 ORDINANCES OR RULES THAT REGULATE THE TAKEOFF OR LANDING OF A MODEL AIRCRAFT
17 IN A PARK OR PRESERVE OWNED BY THE CITY, TOWN OR COUNTY IF THERE ARE OTHER
18 PARKS OR PRESERVES THAT ARE WITHIN THE CITY, TOWN OR COUNTY AND THAT ARE
19 AVAILABLE FOR MODEL AIRCRAFT OPERATION.

20 5. APPLY TO THE OPERATION OF AN UNMANNED AIRCRAFT, INCLUDING A PUBLIC
21 UNMANNED AIRCRAFT, BY A FIRST RESPONDER AS DEFINED IN SECTION 36-661 WHILE
22 ACTING IN THE FIRST RESPONDER'S OFFICIAL CAPACITY OR AN EMERGENCY WORKER
23 WHILE ENGAGED IN OR SUPPORTING AUTHORIZED EMERGENCY MANAGEMENT ACTIVITIES OR
24 PERFORMING EMERGENCY FUNCTIONS PURSUANT TO TITLE 26, CHAPTER 2.

25 E. A VIOLATION OF SUBSECTION B, PARAGRAPH 1 OF THIS SECTION IS A CLASS
26 6 FELONY, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS 5 FELONY.
27 A VIOLATION OF SUBSECTION A OR SUBSECTION B, PARAGRAPH 2 OF THIS SECTION IS A
28 CLASS 1 MISDEMEANOR.

29 F. FOR THE PURPOSES OF THIS SECTION:

30 1. "CIVIL UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
31 AIRCRAFT SYSTEM THAT IS OPERATED BY A PERSON FOR ANY PURPOSE OTHER THAN
32 STRICTLY FOR HOBBY OR RECREATIONAL PURPOSES, INCLUDING COMMERCIAL PURPOSES,
33 OR IN FURTHERANCE OF OR INCIDENTAL TO ANY BUSINESS OR MEDIA SERVICE OR
34 AGENCY.

35 2. "COMMERCIAL PURPOSES" MEANS THE USE OF AN UNMANNED AIRCRAFT IN
36 RETURN FOR FINANCIAL COMPENSATION AND INCLUDES AERIAL PHOTOGRAPHY, AERIAL
37 MAPPING OR GEOSPATIAL IMAGING.

38 3. "CRITICAL FACILITY" MEANS ANY OF THE FOLLOWING:

39 (a) A PETROLEUM OR ALUMINA REFINERY.

40 (b) A PETROLEUM, CHEMICAL OR RUBBER PRODUCTION, TRANSPORTATION,
41 STORAGE OR PROCESSING FACILITY.

42 (c) A CHEMICAL MANUFACTURING FACILITY.

43 (d) A WATER OR WASTEWATER TREATMENT FACILITY AND WATER DEVELOPMENT,
44 DISTRIBUTION OR CONVEYANCE SYSTEM, INCLUDING A DAM.

1 (e) AN ELECTRIC GENERATION FACILITY, AS DEFINED IN SECTION 42-14156,
2 AND ANY ASSOCIATED SUBSTATION OR SWITCHYARD.

3 (f) AN ELECTRICAL TRANSMISSION OR DISTRIBUTION SUBSTATION.

4 (g) AN ELECTRICAL TRANSMISSION LINE OF AT LEAST SIXTY-NINE THOUSAND
5 VOLTS.

6 (h) AN ELECTRONIC COMMUNICATION STATION OR TOWER.

7 (i) AN ENERGY CONTROL CENTER.

8 (j) A DISTRIBUTION OPERATING CENTER.

9 (k) A FACILITY THAT TRANSFERS OR DISTRIBUTES NATURAL GAS, INCLUDING A
10 COMPRESSOR STATION, REGULATOR STATION, CITY GATE STATION OR PRESSURE LIMITING
11 STATION OR A LIQUEFIED NATURAL GAS FACILITY OR SUPPLIER TAP FACILITY.

12 (l) ANY RAILROAD INFRASTRUCTURE OR FACILITY.

13 (m) A FEDERAL, STATE, COUNTY OR MUNICIPAL COURT.

14 (n) A PUBLIC SAFETY OR EMERGENCY OPERATION FACILITY.

15 (o) A FEDERAL, STATE, COUNTY OR MUNICIPAL JAIL OR PRISON OR OTHER
16 FACILITY IN WHICH PERSONS ARE INCARCERATED.

17 (p) A FEDERAL OR STATE MILITARY INSTALLATION OR FACILITY.

18 (q) A HOSPITAL THAT RECEIVES AIR AMBULANCE SERVICES.

19 4. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 336 OF
20 THE FAA MODERNIZATION AND REFORM ACT OF 2012 (P.L. 112-95), AS AMENDED.

21 5. "PERSON" MEANS A CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION,
22 INDIVIDUAL OR ORGANIZATION OR ANY OTHER GROUP ACTING AS A UNIT.

23 6. "PUBLIC UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED
24 AIRCRAFT SYSTEM THAT IS OPERATED BY A PUBLIC AGENCY FOR A GOVERNMENT-RELATED
25 PURPOSE.

26 7. "UNMANNED AIRCRAFT" MEANS AN AIRCRAFT, INCLUDING AN AIRCRAFT
27 COMMONLY KNOWN AS A DRONE, THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT
28 HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

29 8. "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED AIRCRAFT AND
30 ASSOCIATED ELEMENTS, INCLUDING ANY COMMUNICATION LINKS AND COMPONENTS THAT
31 CONTROL THE UNMANNED AIRCRAFT.

32 Sec. 5. Section 28-8242, Arizona Revised Statutes, is amended to read:

33 28-8242. Powers and duties

34 A. The department:

35 1. Shall cooperate with all state, local and federal organizations to
36 encourage and advance the safe and orderly development of aviation in this
37 state.

38 2. May:

39 (a) Assemble and distribute to the public information relating to
40 aviation, landing fields, navigational aids and other matters pertaining to
41 aviation.

42 (b) Accept, in the name of this state, federal monies made available
43 for the advancement of aviation.

44 (c) Represent this state on issues of routing structures and rate
45 schedules concerning commercial airline traffic.

1 (d) Accept and receive federal and other public or private monies for
2 the acquisition, construction, enlargement, improvement, maintenance,
3 equipment or operation of airports and other air navigation facilities and
4 sites for air navigation facilities or for any other purpose authorized by
5 this section. The department shall deposit, pursuant to sections 35-146 and
6 35-147, these monies in the state aviation fund.

7 (e) Facilitate the development of a regional airport.

8 (f) Loan monies from the state aviation fund to an airport authority
9 that enters into an agreement with the United States for an airport
10 development project if the airport authority designates in its agreement with
11 the United States that payment of federal participating monies shall be made
12 to the department acting as the agent of the airport authority and enters
13 into an agreement with the department appointing the department as agent of
14 the airport authority to receive all federal participating monies. The
15 department shall deposit, pursuant to sections 35-146 and 35-147, all monies
16 received pursuant to this subdivision in the state aviation fund. For the
17 purposes of this subdivision, "airport authority" means the governing body of
18 a public airport operating pursuant to sections 28-8423 and 28-8424 or a
19 joint powers airport authority.

20 B. Notwithstanding section 38-623, the director may authorize
21 personnel of the department to use rental aircraft in the performance of
22 their duties at the prevailing hourly rate. The rental fee is a charge
23 against monies appropriated for in-state and out-of-state travel.

24 C. The director shall adopt rules as necessary to administer this
25 article and articles 1, 3, 4 and 5 of this chapter and to promote public
26 safety and the best interests of aviation in this state. The rules shall not
27 supersede or conflict with rules of the United States government agencies
28 having jurisdiction over aviation activities in this state.

29 D. The director shall:

30 1. Contract for the operation of state owned airports.

31 2. In conjunction with local authorities, plan, build and develop
32 airports, airport terminals and other related navigational facilities.

33 3. Operate and maintain the Grand Canyon national park airport located
34 in the Kaibab national forest, Coconino county.

35 4. PROVIDE ON THE DEPARTMENT'S WEBSITE INFORMATION ON RESOURCES FOR
36 OPERATING A MODEL AIRCRAFT, INCLUDING SAFETY GUIDELINES ESTABLISHED BY A
37 NATIONWIDE AERONAUTICS COMMUNITY-BASED ORGANIZATION.

38 5. PROVIDE ON THE DEPARTMENT'S WEBSITE PICTURES THAT SHOW EXAMPLES OF
39 CRITICAL FACILITIES, AS DEFINED IN SECTION 13-3729, TO PROVIDE UNMANNED
40 AIRCRAFT OPERATORS WITH INFORMATION ON WHAT IS CONSIDERED A CRITICAL
41 FACILITY. A PICTURE OR ANY WRITTEN DESCRIPTION ON THE WEBSITE MAY NOT
42 IDENTIFY THE OWNER OR OPERATOR OF THE CRITICAL FACILITY OR THE LOCATION OF
43 THE CRITICAL FACILITY.

