

Representative Kraig Powell proposes the following substitute bill:

UNMANNED VEHICLE REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kraig Powell

LONG TITLE

General Description:

This bill establishes provisions related to unmanned aircraft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ reorganizes existing code related to unmanned aircraft;
- ▶ preempts local law;
- ▶ amends provisions related to a law enforcement agency's use of an unmanned aircraft;
- ▶ establishes limitations and safety and use requirements for the operation of an unmanned aircraft;
- ▶ prohibits a person from:
 - committing a trespass with an unmanned aircraft;
 - committing a privacy violation with an unmanned aircraft; or
 - committing voyeurism with an unmanned aircraft;
- ▶ allows a law enforcement officer to neutralize an unmanned vehicle in certain situations; and
- ▶ establishes criminal penalties.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

33 **63G-18-102**, as last amended by Laws of Utah 2015, Chapter 269

34 **76-6-206**, as last amended by Laws of Utah 2015, Chapter 412

35 **76-9-402**, as enacted by Laws of Utah 1973, Chapter 196

36 **76-9-702.7**, as last amended by Laws of Utah 2004, Chapter 52

37 ENACTS:

38 **63G-18-106**, Utah Code Annotated 1953

39 **63G-18-107**, Utah Code Annotated 1953

40 **63G-18-201**, Utah Code Annotated 1953

41 **63G-18-202**, Utah Code Annotated 1953

42 **63G-18-301**, Utah Code Annotated 1953

43 **63G-18-302**, Utah Code Annotated 1953

44 **63G-18-303**, Utah Code Annotated 1953

45 **63G-18-401**, Utah Code Annotated 1953

46 **63G-18-402**, Utah Code Annotated 1953

47 **63G-18-403**, Utah Code Annotated 1953

48 **63G-18-501**, Utah Code Annotated 1953

49 **63G-18-502**, Utah Code Annotated 1953

50 **63G-18-503**, Utah Code Annotated 1953

51 RENUMBERS AND AMENDS:

52 **63G-18-203**, (Renumbered from 63G-18-103, as last amended by Laws of Utah 2015,
53 Chapter 269)

54 **63G-18-204**, (Renumbered from 63G-18-104, as last amended by Laws of Utah 2015,
55 Chapter 269)

56 **63G-18-205**, (Renumbered from 63G-18-105, as last amended by Laws of Utah 2015,

57 Chapter 269)

58 **Utah Code Sections Affected by Coordination Clause:**

59 **63G-18-101**, as last amended by Laws of Utah 2015, Chapter 269

60 **63G-18-403**, Utah Code Annotated 1953

61 **65A-3-2.5**, Utah Code Annotated 1953



62 *Be it enacted by the Legislature of the state of Utah:*

63 Section 1. Section **63G-18-101** is amended to read:

64 **CHAPTER 18. UNMANNED VEHICLES -- DRONES**

65 **63G-18-101. Title.**

66 This chapter is known as [~~the "Government Use of Unmanned Aircraft Systems Act."~~]
67 "Unmanned Vehicles -- Drones."

68 Section 2. Section **63G-18-102** is amended to read:

69 **63G-18-102. Definitions.**

70 [As used in this chapter:]

71 [(1) "Law enforcement agency" means an entity of the state or an entity of a political
72 subdivision of the state, including an entity of a state institution of higher education, that exists
73 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.]

74 [(2) "Nongovernment actor" means a person that is not:]

75 [(a) an agency, department, division, or other entity within state government;]

76 [(b) a person employed by or otherwise acting in an official capacity on behalf of the
77 state;]

78 [(c) a political subdivision of the state; or]

79 [(d) a person employed by or otherwise acting in an official capacity on behalf of a
80 political subdivision of the state.]

81 [(3) "Target" means a person upon whom, or a structure or area upon which, a person:]

82 [(a) has intentionally collected or attempted to collect information through the
83 operation of an unmanned aircraft system; or]

84 [(b) plans to collect or attempt to collect information through the operation of an
85 unmanned aircraft system.]

86 [(4) "Testing site" means an area that:]

88 ~~[(a) has boundaries that are clearly identified using GPS coordinates;]~~
89 ~~[(b) a law enforcement agency identifies in writing to the Department of Public Safety,~~
90 ~~including the boundaries identified under Subsection (4)(a);]~~
91 ~~[(c) is not more than three square miles; and]~~
92 ~~[(d) contains no occupied structures.]~~

93 As used in this chapter:

94 (1) (a) "Airport" means any area of land, water, or both that:

95 (i) is used or is made available for landing or takeoff by an aircraft;

96 (ii) provides a facility for the shelter, supply, or repair of aircraft and the handling of
97 passengers and cargo; and

98 (iii) is identified in the current version of the Federal Aviation Administration's form
99 5010, Airport Master Record.

100 (b) "Airport" includes all land areas shown as part of the airport in the current airport
101 layout plan approved by the Federal Aviation Administration.

102 (2) (a) "Airport operator" means the entity that is authorized by statute to operate an
103 airport.

104 (b) "Airport operator" includes the department or division of a political subdivision
105 responsible for operating a specific airport.

106 (3) "Emergency" means:

107 (a) a natural or man-made disaster, a fire, a flood, or extreme weather; or

108 (b) a circumstance that presents an imminent threat to life or property, or public health,
109 safety, or welfare.

110 (4) "Law enforcement agency" means an entity of the state or an entity of a political
111 subdivision of the state, including an entity of a state institution of higher education, that exists
112 primarily to prevent, detect, or prosecute crime and enforce criminal statutes or ordinances.

113 (5) "Law enforcement officer" means a sworn and certified peace officer:

114 (a) who is an employee of a law enforcement agency that is part of, or administered by,
115 the state or a political subdivision of the state; and

116 (b) whose primary duties consist of the prevention and detection of crime and the
117 enforcement of criminal statutes or ordinances of the state or a political subdivision of the state.

118 ~~[(5)(a)]~~ (6) "Unmanned aircraft [system]" means an aircraft that is:

119 [i] ~~is~~ (a) capable of sustaining flight; and
120 [ii] ~~operates~~ (b) operated with no possible direct human intervention from on or
121 within the aircraft.

122 ~~(b)~~ (7) "Unmanned aircraft system" ~~[does not include an unmanned aircraft that is~~
123 ~~flown]~~ means the entire system used to operate an unmanned aircraft, including:

124 ~~(i) within visual line of sight of the individual operating the aircraft; and]~~

125 ~~[(ii) strictly for hobby or recreational purposes.]~~

126 (a) the unmanned aircraft, including payload;

127 (b) communications equipment;

128 (c) navigation equipment;

129 (d) controllers;

130 (e) support equipment; and

131 (f) autopilot functionality.

132 Section 3. Section **63G-18-106** is enacted to read:

133 **63G-18-106. Preemption of local ordinance.**

134 (1) A political subdivision of the state, or an entity within a political subdivision of the
135 state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft
136 unless:

137 (a) authorized by this chapter; or

138 (b) the political subdivision or entity is an airport operator that enacts the law, rule, or
139 ordinance to govern:

140 (i) the operation of an unmanned aircraft within the geographic boundaries of the
141 airport over which the airport operator has authority; or

142 (ii) the takeoff or landing of an unmanned aircraft at the airport over which the airport
143 operator has authority.

144 (2) This chapter supercedes any law, ordinance, or rule enacted by a political
145 subdivision of the state before July 1, 2016.

146 Section 4. Section **63G-18-107** is enacted to read:

147 **63G-18-107. Applicability.**

148 The following parts do not apply to a person who operates an unmanned aircraft
149 system, including for commercial purposes, under a Certificate of Waiver, Certificate of

150 Authorization, or any other grant of authority obtained from the Federal Aviation
151 Administration that specifically authorizes the operation of the unmanned aircraft system:

- 152 (1) Title 63G, Chapter 18, Part 3, Criminal Use of Unmanned Aircraft; and
- 153 (2) Title 63G, Chapter 18, Part 4, Safe Use of Unmanned Aircraft.

154 Section 5. Section **63G-18-201** is enacted to read:

155 **Part 2. Government Use of Unmanned Aircraft**

156 **63G-18-201. Title.**

157 This part is known as "Government Use of Unmanned Aircraft."

158 Section 6. Section **63G-18-202** is enacted to read:

159 **63G-18-202. Definitions.**

160 As used in this part:

161 (1) "Nongovernment actor" means a person that is not:

- 162 (a) an agency, department, division, or other entity within state government;
- 163 (b) employed by or otherwise acting in an official capacity on behalf of the state;
- 164 (c) a political subdivision of the state; or
- 165 (d) employed by or otherwise acting in an official capacity on behalf of a political

166 subdivision of the state.

167 (2) "Target" means a person upon whom, or a structure or area upon which, a person:

- 168 (a) has intentionally collected or attempted to collect information through the operation
- 169 of an unmanned aircraft system; or
- 170 (b) plans to collect or to attempt to collect information through the operation of an
- 171 unmanned aircraft system.

172 (3) "Testing site" means an area that:

- 173 (a) has boundaries that are clearly identified using GPS coordinates;
- 174 (b) a law enforcement agency identifies in writing to the Department of Public Safety,
- 175 including the boundaries identified under Subsection (3)(a);
- 176 (c) is not more than three square miles;
- 177 (d) contains no occupied structures; and
- 178 (e) a law enforcement agency intends to use for the testing of an unmanned aircraft
- 179 system.

180 Section 7. Section **63G-18-203**, which is renumbered from Section 63G-18-103 is

181 renumbered and amended to read:

182 ~~63G-18-103~~. 63G-18-203. Unmanned aircraft system use requirements --

183 **Exceptions -- Testing.**

184 (1) A law enforcement agency may not obtain, receive, or use data acquired through an
185 unmanned aircraft system unless the data is obtained:

186 (a) pursuant to a search warrant;

187 (b) in accordance with judicially recognized exceptions to warrant requirements;

188 (c) (i) in a public location in which a person has no reasonable expectation of privacy;

189 and

190 (ii) while the unmanned aircraft controlled by the unmanned aircraft system is clearly

191 audible and visible without aid:

192 (A) by all persons who are targets; and

193 (B) from all portions of the area on which data is collected;

194 ~~(c)~~ (d) subject to Subsection (2), from a person who is a nongovernment actor;

195 ~~(c)~~ (e) at a testing site; or

196 ~~(c)~~ (f) to locate a lost or missing person in an area in which a person has no

197 reasonable expectation of privacy.

198 (2) A nongovernment actor may only disclose data acquired through an unmanned
199 aircraft system to a law enforcement agency if:

200 (a) the data appears to pertain to the commission of a crime; or

201 (b) the nongovernment actor believes, in good faith, that:

202 (i) the data pertains to an imminent or ongoing emergency involving danger of death or
203 serious bodily injury to an individual; and

204 (ii) disclosing the data would assist in remedying the emergency.

205 (3) A law enforcement agency that obtains, receives, or uses data acquired under
206 Subsection (1)(d) or (e) shall destroy the data as soon as reasonably possible after the law
207 enforcement agency obtains, receives, or uses the data.

208 (4) A law enforcement agency that operates an unmanned aircraft system under
209 Subsection (1)(d) may not operate the unmanned aircraft system outside of the testing site.

210 Section 8. Section ~~63G-18-204~~, which is renumbered from Section 63G-18-104 is
211 renumbered and amended to read:

212 ~~[63G-18-104].~~ 63G-18-204. Data retention.

213 (1) Except as provided in this section, a law enforcement agency:

214 (a) may not use, copy, or disclose data collected by an unmanned aircraft system on a
215 person, structure, or area that is not a target; and

216 (b) shall ensure that data described in Subsection (1)(a) is destroyed as soon as
217 reasonably possible after the law enforcement agency collects or receives the data.

218 (2) A law enforcement agency is not required to comply with Subsection (1) if:

219 (a) deleting the data would also require the deletion of data that:

220 (i) relates to the target of the operation; and

221 (ii) is requisite for the success of the operation;

222 (b) the law enforcement agency receives the data:

223 (i) through a court order that:

224 (A) requires a person to release the data to the law enforcement agency; or

225 (B) prohibits the destruction of the data; or

226 (ii) from a person who is a nongovernment actor;

227 (c) (i) the data was collected inadvertently; and

228 (ii) the data appears to pertain to the commission of a crime;

229 (d) (i) the law enforcement agency reasonably determines that the data pertains to an
230 emergency situation; and

231 (ii) using or disclosing the data would assist in remedying the emergency; or

232 (e) the data was collected through the operation of an unmanned aircraft system over
233 public lands outside of municipal boundaries.

234 Section 9. Section **63G-18-205**, which is renumbered from Section 63G-18-105 is
235 renumbered and amended to read:

236 ~~[63G-18-105].~~ 63G-18-205. Reporting.

237 (1) Except as provided by Subsections (2) and (3), before March 31 of each year, a law
238 enforcement agency that operated an unmanned aircraft system in the previous calendar year
239 shall submit to the Utah Department of Public Safety, and make public on the law enforcement
240 agency's website, a written report containing:

241 (a) the number of times the law enforcement agency operated an unmanned aircraft
242 system in the previous calendar year;

243 (b) the number of criminal investigations aided by the use of an unmanned aircraft
244 system operated by the law enforcement agency in the previous calendar year;

245 (c) a description of how the unmanned aircraft system was helpful to each investigation
246 described in Subsection (1)(b);

247 (d) the frequency with which data was collected, and the type of data collected, by an
248 unmanned aircraft system operated by the law enforcement agency on any person, structure, or
249 area other than a target in the previous calendar year;

250 (e) the number of times a law enforcement agency received, from a person who is not a
251 law enforcement agency, data collected by an unmanned aircraft system; and

252 (f) the total cost of the unmanned aircraft system program operated by the law
253 enforcement agency in the previous calendar year, including the source of any funds used to
254 operate the program.

255 (2) (a) A law enforcement agency that submits a report described in Subsection (1) may
256 exclude from the report information pertaining to an ongoing investigation.

257 (b) A law enforcement agency that excludes information under Subsection (2)(a) from
258 the report shall report the excluded information to the Utah Department of Public Safety on the
259 annual report in the year following the year in which the investigation to which the information
260 pertains is concluded.

261 (3) A law enforcement agency is not required to submit, under Subsection (1), to the
262 Department of Public Safety information pertaining to the use of an unmanned aircraft system
263 operated at a testing site.

264 (4) Before May 31 of each year, the Utah Department of Public Safety shall, for all
265 reports received under Subsection (1) during the previous calendar year:

266 (a) transmit to the Government Operations Interim Committee and post on the
267 department's website a report containing:

268 (i) a summary of the information reported to the department;

269 (ii) the total number of issued warrants authorizing the operation of an unmanned
270 aircraft system; and

271 (iii) the number of denied warrants for the operation of an unmanned aircraft system;
272 and

273 (b) post on the department's website each report the department received.

274 Section 10. Section **63G-18-301** is enacted to read:

275 **Part 3. Criminal Use of Unmanned Aircraft**

276 **63G-18-301. Title.**

277 This part is known as "Criminal Use of Unmanned Aircraft."

278 Section 11. Section **63G-18-302** is enacted to read:

279 **63G-18-302. Reserved.**

280 Reserved

281 Section 12. Section **63G-18-303** is enacted to read:

282 **63G-18-303. Weapon attached to unmanned aircraft -- Penalties.**

283 (1) (a) As used in this section "weapon" means:

284 (i) a firearm; or

285 (ii) an object that in the manner of the object's use or intended use is capable of causing
286 death, serious bodily injury, or serious damage to property.

287 (b) The following factors are used in determining whether an object, other than a
288 firearm, is a dangerous weapon:

289 (i) the location and circumstances in which the object is used or possessed;

290 (ii) the primary purpose for which the object is made;

291 (iii) the character of the wound, if any, produced by the object's use;

292 (iv) the manner in which the object is used;

293 (v) whether the manner in which the object is used or possessed constitutes a potential
294 imminent threat to public safety; and

295 (vi) the lawful purposes for which the object may be used.

296 (2) (a) Except as provided in Subsection (3), a person may not fly an unmanned aircraft
297 that carries a weapon or to which a weapon is attached.

298 (b) A person that violates Subsection (2)(a) is guilty of a class B misdemeanor.

299 (3) A person may fly an unmanned aircraft that carries a weapon or to which a weapon
300 is attached if the person:

301 (a) (i) obtains a certificate of authorization, or other written approval, from the Federal
302 Aviation Administration authorizing the person to fly the unmanned aircraft that carries the
303 weapon or to which the weapon is attached; and

304 (ii) operates the unmanned aircraft in accordance with the certificate of authorization or

305 other written approval;

306 (b) (i) obtains a contract with the state or the federal government permitting the person
307 to fly the unmanned aircraft that carries the weapon or to which the weapon is attached; and

308 (ii) operates the unmanned aircraft in accordance with the contract; or

309 (c) operates the unmanned aircraft that carries the weapon or to which the weapon is
310 attached in airspace controlled by the United States Department of Defense, with the
311 permission of the United States Department of Defense.

312 Section 13. Section **63G-18-401** is enacted to read:

313 **Part 4. Safe Use of Unmanned Aircraft**

314 **63G-18-401. Title.**

315 This part is known as "Safe Use of Unmanned Aircraft."

316 Section 14. Section **63G-18-402** is enacted to read:

317 **63G-18-402. Reserved.**

318 Reserved

319 Section 15. Section **63G-18-403** is enacted to read:

320 **63G-18-403. Safe operation of unmanned aircraft.**

321 (1) A person that operates an unmanned aircraft system to fly an unmanned aircraft for
322 recreational purposes shall:

323 (a) maintain continuous line of sight with the unmanned aircraft, without the assistance
324 of another person or instrumentation other than corrective lenses;

325 (b) yield right of way to a manned aircraft; and

326 (c) before flying the unmanned aircraft within five miles of an airport, contact the
327 airport's operator to determine whether there are any restrictions relating to the operation of the
328 unmanned aircraft.

329 (2) A person that operates an unmanned aircraft system to fly an unmanned aircraft for
330 recreational purposes may not fly the unmanned aircraft:

331 (a) more than 400 feet above ground;

332 (b) within 25 linear or vertical feet of an individual;

333 (c) within 500 feet of:

334 (i) a power station;

335 (ii) a water treatment facility;

336 (iii) a correctional facility;
 337 (iv) a freeway, state highway, or multi-lane road; or
 338 (v) a government facility;
 339 (d) in a manner that interferes with an official response to an emergency; or
 340 (e) in a manner that interferes with an official response to a wildland fire, as that term
 341 is defined in Section 65A-1-1.

342 (3) (a) A person that violates this section is liable for any damages resulting from the
 343 violation.

344 (b) A law enforcement officer shall issue a written warning to a person that violates
 345 this section and that has not previously received a written warning for a violation of this
 346 section.

347 (c) Except as provided in Subsection (3)(d), a person that violates this section after
 348 receiving a written warning for a previous violation of this section is guilty of an infraction.

349 (d) A person that violates this section is guilty of a class B misdemeanor for each
 350 conviction of a violation of this section after the person is convicted of an infraction or a
 351 misdemeanor for a previous violation of this section.

352 Section 16. Section **63G-18-501** is enacted to read:

353 **Part 5. Unmanned Vehicles**

354 **63G-18-501. Title.**

355 This part is known as "Unmanned Vehicles."

356 Section 17. Section **63G-18-502** is enacted to read:

357 **63G-18-502. Definitions.**

358 As used in this part:

359 (1) "Acute emergency" means a fire, a flood, extreme weather, a missing person
 360 situation, or a natural or man-made disaster, or a circumstance that presents an imminent threat
 361 to life or property, or to public health, safety, or welfare:

362 (a) for which the Federal Aviation Administration designates a temporary flight
 363 restriction; or

364 (b) which receives designation as an emergency on a system managed by a federal,
 365 state, or local government entity that disseminates emergency information to the public.

366 (2) "Law enforcement officer" includes a sworn and certified peace officer within:

- 367 (a) the Department of Natural Resources;
368 (b) the United States Forest Service;
369 (c) the Bureau of Land Management; or
370 (d) the National Park Service.
371 (3) "Neutralize" means to force the termination of the operation of an unmanned
372 vehicle by:
373 (a) disabling or damaging the unmanned vehicle;
374 (b) interfering with any portion of the unmanned vehicle system associated with the
375 unmanned vehicle; or
376 (c) otherwise taking control of the unmanned vehicle or the unmanned vehicle system
377 associated with the unmanned vehicle.
378 (4) "Unmanned vehicle" means a device that:
379 (a) is self propelled;
380 (b) may travel through air or on or under water; and
381 (c) is operated with no possible direct human intervention from on or within the
382 device.
383 (5) "Unmanned vehicle system" means the entire system used to operate an unmanned
384 vehicle, including:
385 (a) the unmanned vehicle, including payload;
386 (b) communications equipment;
387 (c) navigation equipment;
388 (d) controllers;
389 (e) support equipment; and
390 (f) autopilot functionality.
391 Section 18. Section **63G-18-503** is enacted to read:
392 **63G-18-503. Neutralizing unmanned vehicles.**
393 (1) (a) A person may not operate an unmanned vehicle system in a manner that causes
394 an unmanned vehicle to:
395 (i) threaten the safety of an individual or property immediately affected by an acute
396 emergency;
397 (ii) threaten the safety or operation of a response vehicle or a person that is responding

398 to an acute emergency;
399 (iii) create unsafe congestion of aircraft or vehicles above or around an acute
400 emergency; or
401 (iv) obstruct the flight path of an aircraft being used to respond to an acute emergency.
402 (b) A person that violates Subsection (1)(a) is guilty of a class B misdemeanor.
403 (c) In accordance with this section, a law enforcement officer may neutralize an
404 unmanned vehicle that is operated in violation of Subsection (1)(a).
405 (2) A law enforcement officer may not neutralize an unmanned vehicle under this
406 section if neutralizing the unmanned vehicle:
407 (a) could reasonably cause or lead to the death of, or bodily injury to, an individual; or
408 (b) is likely to cause or lead to:
409 (i) the death of, or bodily injury to, an animal; or
410 (ii) damage to private property, other than the unmanned vehicle system, in an amount
411 greater than \$5,000.
412 (3) Except as provided in Subsection (2), a law enforcement officer may neutralize an
413 unmanned vehicle operated in violation of Subsection (1)(a) after:
414 (a) a law enforcement officer has made a reasonable effort to:
415 (i) locate the individual operating the unmanned vehicle system; and
416 (ii) warn the individual that the unmanned vehicle operated by the individual:
417 (A) is operating in violation of Subsection (1)(a); and
418 (B) may be neutralized if the individual continues to operate the unmanned vehicle in
419 violation of Subsection (1)(a); and
420 (b) the law enforcement officer, or the agency to which the law enforcement officer
421 belongs, receives approval to neutralize the unmanned vehicle from the director of the
422 governmental entity that is coordinating the response to the emergency, or the director's
423 designee.
424 (4) A law enforcement officer who neutralizes an unmanned vehicle in accordance
425 with this section shall neutralize the unmanned vehicle:
426 (a) in the most safe and practicable manner available; and
427 (b) in a manner that causes as little damage or destruction as possible to the unmanned
428 vehicle system and other property.

429 Section 19. Section **76-6-206** is amended to read:

430 **76-6-206. Criminal trespass.**

431 (1) As used in this section[~~,"enter"~~]:

432 (a) "Enter" means intrusion of the entire body[-] or the entire unmanned aircraft.

433 (b) (i) "Remains unlawfully," as that term relates to an unmanned aircraft, means
434 remaining on or over private property longer than reasonably necessary to cross the private
435 property on the way to another location when:

436 (A) the private property or any portion of the private property is not open to the public;

437 and

438 (B) the person operating the unmanned aircraft is not otherwise licensed or privileged
439 to fly the unmanned aircraft over the private property or any portion of the private property.

440 (ii) "Remains unlawfully" includes repeatedly crossing property with the intent to
441 circumvent the provisions of Subsection (2).

442 (2) A person is guilty of criminal trespass if, under circumstances not amounting to
443 burglary as defined in Section **76-6-202**, **76-6-203**, or **76-6-204** or a violation of Section
444 **76-10-2402** regarding commercial obstruction:

445 (a) the person enters or remains unlawfully on, or causes an unmanned aircraft to enter
446 and remain unlawfully over, property and:

447 (i) intends to cause annoyance or injury to any person or damage to any property,
448 including the use of graffiti as defined in Section **76-6-107**;

449 (ii) intends to commit any crime, other than theft or a felony; or

450 (iii) is reckless as to whether [his] the person's or unmanned aircraft's presence will
451 cause fear for the safety of another;

452 (b) except as provided in Subsection (5), knowing the person's or unmanned aircraft's
453 entry or presence is unlawful, the person enters or remains on, or causes an unmanned aircraft
454 to enter or remain unlawfully over, property [as] to which notice against entering is given by:

455 (i) personal communication to the [actor] person by the owner or someone with
456 apparent authority to act for the owner;

457 (ii) fencing or other enclosure obviously designed to exclude intruders; or

458 (iii) posting of signs reasonably likely to come to the attention of intruders; or

459 (c) the person enters a condominium unit in violation of Subsection **57-8-7(8)**.

460 (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless ~~[it was]~~
461 the violation is committed in a dwelling, in which event [it] the violation is a class A
462 misdemeanor.

463 (b) A violation of Subsection (2)(c) is an infraction.

464 (4) It is a defense to prosecution under this section that:

465 (a) the property was at the time open to the public; and

466 (b) the actor complied with all lawful conditions imposed on access to or remaining on
467 the property.

468 (5) A person that operates an unmanned aircraft under a certificate of waiver,
469 certificate of authorization, or other grant of authority obtained from the Federal Aviation
470 Administration that expressly authorizes the operation of the unmanned aircraft is not guilty of
471 a violation of Subsection (2)(b) unless the person causes the unmanned aircraft to enter and
472 remain unlawfully over private property to which notice against entering is given by a method
473 described in Subsection (2)(b).

474 Section 20. Section **76-9-402** is amended to read:

475 **76-9-402. Privacy violation.**

476 (1) A person is guilty of privacy violation if, except as authorized by law, ~~[he]~~ the
477 person:

478 (a) ~~[Trespasses]~~ trespasses on property with intent to subject anyone to eavesdropping
479 or other surveillance in a private place; ~~[or]~~

480 (b) ~~[Installs in any]~~ installs, or uses after unauthorized installation, in a private place,
481 without the consent of the person or persons entitled to privacy [there] in the private place, any
482 device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or
483 events in the private place ~~[or uses any such unauthorized installation];~~ or

484 (c) ~~[Installs]~~ installs or uses outside of a private place ~~[any]~~ a device for observing,
485 photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in
486 the private place which would not ordinarily be audible, visible, or comprehensible outside the
487 private place, without the consent of the person or persons entitled to privacy ~~[there]~~ in the
488 private place.

489 (2) Privacy violation is a class B misdemeanor.

490 Section 21. Section **76-9-702.7** is amended to read:

491 **76-9-702.7. Voyeurism offenses -- Penalties.**

492 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture
493 camera, photographic camera of any type, unmanned aircraft, or other equipment that is
494 concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or
495 view by electronic means an individual:

496 (a) for the purpose of viewing any portion of the individual's body regarding which the
497 individual has a reasonable expectation of privacy, whether or not that portion of the body is
498 covered with clothing;

499 (b) without the knowledge or consent of the individual; and

500 (c) under circumstances in which the individual has a reasonable expectation of
501 privacy.

502 (2) A violation of Subsection (1) is a class A misdemeanor, except that a violation of
503 Subsection (1) committed against a child under 14 years of age is a third degree felony.

504 (3) Distribution or sale of any images, including in print, electronic, magnetic, or
505 digital format, obtained under Subsection (1) by transmission, display, or dissemination is a
506 third degree felony, except that if the violation of this Subsection (3) includes images of a child
507 under 14 years of age, the violation is a second degree felony.

508 (4) A person is guilty of voyeurism who, under circumstances not amounting to a
509 violation of Subsection (1), views or attempts to view an individual, with or without the use of
510 any instrumentality:

511 (a) with the intent of viewing any portion of the individual's body regarding which the
512 individual has a reasonable expectation of privacy, whether or not that portion of the body is
513 covered with clothing;

514 (b) without the knowledge or consent of the individual; and

515 (c) under circumstances in which the individual has a reasonable expectation of
516 privacy.

517 (5) A violation of Subsection (4) is a class B misdemeanor, except that a violation of
518 Subsection (4) committed against a child under 14 years of age is a class A misdemeanor.

519 **Section 22. Coordinating S.B. 210 with H.B. 126 -- Substantive amendments.**

520 If this S.B. 210 and H.B. 126, Unmanned Aircraft Revisions, both pass and become
521 law, it is the intent of the Legislature that the Office of Legislative Research and General

522 Counsel prepare the Utah Code database for publication as follows:

523 (1) the amendments to Section 63G-18-101 in this S.B. 210 supersede the amendments
524 to Section 63G-18-101 in H.B. 126;

525 (2) Subsection 63G-18-403(3) shall be amended to read:

526 "(3) (a) A person that violates this section is liable for any damages resulting from the
527 violation.

528 (b) Except as provided in Subsection (3)(e), a law enforcement officer shall issue a
529 written warning to a person that violates this section and that has not previously received a
530 written warning for a violation of this section.

531 (c) Except as provided in Subsection (3)(d) or (e), a person that violates this section
532 after receiving a written warning for a previous violation of this section is guilty of an
533 infraction.

534 (d) Except as provided in Subsection (3)(e), a person that violates this section is guilty
535 of a class B misdemeanor for each conviction of a violation of this section after the person is
536 convicted of an infraction or a misdemeanor for a previous violation of this section.

537 (e) Subsections (2)(a) through (e) do not apply to the extent that the conduct that
538 constitutes a violation of this section is a crime under Subsection 65A-3-2.5(3).";

539 (3) Subsection 65A-3-2.5(1)(d)(i) shall be amended to read:

540 "(i) the unmanned aircraft, including payload;"; and

541 (4) delete Subsection 65A-3-2.5(5).