

ASSEMBLY, No. 4128

STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED APRIL 4, 2024

Sponsored by:

Assemblyman DAVID BAILEY, JR.
District 3 (Cumberland, Gloucester and Salem)
Assemblyman WILLIAM B. SAMPSON, IV
District 31 (Hudson)
Assemblyman MICHAEL VENEZIA
District 34 (Essex)

Co-Sponsored by:

**Assemblywoman Simmons, Assemblyman Guardian, Assemblywomen
Swift, Reynolds-Jackson, Assemblymen Hutchison and Miller**

SYNOPSIS

Prohibits operation of drone over school under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/2/2024)

1 AN ACT concerning unmanned aircraft systems and amending
2 P.L.2017, c.315.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.2017, c.315 (C.2C:40-28) is amended to read
8 as follows:

9 2. a. A person commits a disorderly persons offense if he
10 knowingly or intentionally operates as defined in section 1 of
11 P.L.2017, c.315 (C.2C:40-27) an unmanned aircraft system as
12 defined in section 1 of P.L.2017, c.315 (C.2C:40-27) in a manner that
13 endangers the life or property of another. In making this
14 determination, the court shall consider the standards for safe
15 operation of small unmanned aircraft systems prescribed by federal
16 law or regulation.

17 b. (1) A person commits a crime of the fourth degree if he
18 knowingly or intentionally creates or maintains a condition which
19 endangers the safety or security of a correctional facility by operating
20 an unmanned aircraft system on the premises of or in close proximity
21 to that facility without license or privilege to do so.

22 (2) A person commits a crime of the third degree if he knowingly
23 operates an unmanned aircraft system to conduct surveillance of, or
24 gather information about, a correctional facility without license or
25 privilege to do so.

26 For purposes of this subsection, "correctional facility" means a
27 jail, prison, lockup, penitentiary, reformatory, training school, or
28 other similar facility within the State of New Jersey.

29 c. A person commits a crime of the fourth degree if he
30 knowingly or intentionally operates an unmanned aircraft system in
31 a manner that interferes with a first responder who is actively
32 engaged in response or actively engaged in air, water, vehicular,
33 ground, or specialized transport.

34 For purposes of this subsection "first responder" means a law
35 enforcement officer, paid or volunteer firefighter, paid or volunteer
36 member of a duly incorporated first aid, emergency, ambulance, or
37 rescue squad association, or any other individual who, in the course
38 of his employment, is dispatched to the scene of a motor vehicle
39 accident or other emergency situation for the purpose of providing
40 medical care or other assistance.

41 d. A person commits a disorderly persons offense if he
42 knowingly operates an unmanned aircraft system or uses an
43 unmanned aircraft system to take or assist in the taking of wildlife.

44 e. A person commits a disorderly persons offense if he operates
45 an unmanned aircraft system while under the influence of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 intoxicating liquor, a narcotic, hallucinogenic, or habit-producing
2 drug or with a blood alcohol concentration of 0.08% or more by
3 weight of alcohol in the defendant's blood.

4 f. It shall be a violation of any restraining order issued by the
5 court pursuant to section 2 of P.L.1999, c.47 (C.2C:12-10.2), section
6 3 or 4 of P.L.2015, c.147 (C.2C:14-15 or C.2C:14-16), section 12 of
7 P.L.1991, c.261 (C.2C:25-28), section 4 of P.L.1999, c.334
8 (C.2C:35-5.7), or any other court order restraining contact with a
9 person or location, for a person subject to that order to knowingly
10 operate an unmanned aircraft system to fly within a distance of a
11 person or location that would violate that restraining order.

12 g. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
13 law to the contrary, a conviction under this section shall not merge
14 with a conviction of harassment pursuant to N.J.S.2C:33-4, stalking
15 pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), invasion of
16 privacy pursuant to section 1 of P.L.2003, c.206 (C.2C:14-9),
17 obstructing administration of law or other governmental function
18 pursuant to N.J.S.2C:29-1, introducing contraband pursuant to
19 N.J.S.2C:29-6, contempt of a domestic violence order pursuant to
20 subsection b. of N.J.S.2C:29-9 which constitutes a crime or
21 disorderly persons offense, or any other criminal offense, even if any
22 other conviction involves the use of an unmanned aircraft system, nor
23 shall the other conviction merge with a conviction under this section.

24 h. (1) A person commits a disorderly persons offense if the
25 person knowingly operates an unmanned aircraft system below 250
26 feet over the building or grounds of any school for the purpose of
27 conducting surveillance or gathering information without the prior
28 written authorization of the superintendent or chief school
29 administrator.

30 (2) A person commits a disorderly persons offense if the person
31 knowingly operates an unmanned aircraft system below 250 feet over
32 the building or grounds of any school and the unmanned aircraft
33 system remains above or hovers above the building or grounds of the
34 school without the prior written authorization of the superintendent
35 or chief school administrator.

36 (3) A person commits a disorderly persons offense if the person
37 uses the building or grounds of a school as a takeoff or landing area
38 for an unmanned aircraft system.

39 As used in this subsection:

40 “Operate” shall have the same meaning as set forth in section 1 of
41 P.L.2017, c.315 (C.2C:40-27).

42 “School” means a public or nonpublic elementary or secondary
43 school within this State offering education in grades kindergarten
44 through 12, or any combination of grades, at which a child may
45 legally fulfill compulsory school attendance requirements.

46 “Unmanned aircraft system” shall have the same meaning as set
47 forth in section 1 of P.L.2017, c.315 (C.2C:40-27).

1 i. Nothing in subsection h. of this section shall prohibit the
2 authorized use, in compliance with applicable federal rules and
3 regulations, of an unmanned aircraft system by a public employee or
4 a public entity, or by a first responder in the performance of official
5 duties.

6 For purposes of this subsection "first responder" means a law
7 enforcement officer, paid or volunteer firefighter, paid or volunteer
8 member of a duly incorporated first aid, emergency, ambulance, or
9 rescue squad association, or any other individual who, in the course
10 of his employment, is dispatched to the scene of a motor vehicle
11 accident or other emergency situation for the purpose of providing
12 medical care or other assistance.

13 (cf: P.L.2017, c.315, s.2)

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill prohibits the operation of an unmanned aircraft system,
21 commonly referred to as a drone, over a school under certain
22 circumstances.

23 Specifically, under the provisions of this bill, a person commits a
24 disorderly persons offense if the person knowingly operates a drone
25 below 250 feet over the building or grounds of any school for the
26 purpose of conducting surveillance or gathering information without
27 the prior written authorization of the superintendent or chief school
28 administrator.

29 In addition, under the bill, a person commits a disorderly persons
30 offense if the person knowingly operates a drone below 250 feet over
31 the building or grounds of any school and the unmanned aircraft
32 system remains above or hovers above the building or grounds of the
33 school without the prior written authorization of the superintendent
34 or chief school administrator.

35 Further, a person commits a disorderly persons offense if the
36 person uses the building or grounds of a school as a takeoff or landing
37 area for a drone.

38 A disorderly person offense is punishable by up to six months
39 imprisonment, a fine of up to \$1,000, or both.

40 The bill defines, "school" as a public or nonpublic elementary or
41 secondary school within this State offering education in grades
42 kindergarten through 12, or any combination of grades, at which a
43 child may legally fulfill compulsory school attendance requirements.

44 Finally, the bill provides that the bill's provisions do not prohibit
45 the authorized use, in compliance with applicable federal rules and
46 regulations, of a drone by a public employee, or a public entity, or by
47 a first responder in the performance of official duties.