

SENATE, No. 3018

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 8, 2024

Sponsored by:

Senator JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Prohibits operation of drone over school under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



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

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

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7 1. Section 2 of P.L.2017, c.315 (C.2C:40-28) is amended to
8 read 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
13 that 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 the person knowingly or intentionally creates or maintains a
19 condition which endangers the safety or security of a correctional
20 facility by operating an unmanned aircraft system on the premises
21 of or in close proximity to that facility without license or privilege
22 to do so.

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

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

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

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

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

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.

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1 e. A person commits a disorderly persons offense if **[he]** the
2 person operates an unmanned aircraft system while under the
3 influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-
4 producing drug or with a blood alcohol concentration of 0.08% or
5 more by weight of alcohol in the defendant's blood.

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

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

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

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

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

43 As used in this subsection:

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

46 “School” means a public or nonpublic elementary or secondary
47 school within this State offering education in grades kindergarten

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1 through 12, or any combination of grades, at which a child may
2 legally fulfill compulsory school attendance requirements.

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

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

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

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

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19 2. This act shall take effect immediately.

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STATEMENT

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24 This bill prohibits the operation of an unmanned aircraft system,
25 commonly referred to as a drone, over a school under certain
26 circumstances.

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

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

39 Further, a person commits a disorderly persons offense if the
40 person uses the building or grounds of a school as a takeoff or
41 landing area for a drone.

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

44 The bill defines, “school” as a public or nonpublic elementary or
45 secondary school within this State offering education in grades
46 kindergarten through 12, or any combination of grades, at which a
47 child may legally fulfill compulsory school attendance
48 requirements.

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