
A BILL FOR AN ACT

RELATING TO UNMANNED AIRCRAFT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . UNMANNED AIRCRAFT"**

5 **§711-A Definitions.** As used in this part:

6 "Aircraft" means any device, craft, vehicle, or contrivance
7 that is invented, used, or designed to navigate, fly, or travel
8 in the air, or that is used or intended to be used for flight in
9 the air.

10 "Unmanned aircraft" means any aircraft that is operated or
11 designed to be operated without a person in or on the aircraft,
12 or without the possibility of direct human intervention from
13 within or on the aircraft.

14 **§711-B Misuse of unmanned aircraft in the first degree.**

15 (1) A person commits the offense of misuse of unmanned aircraft
16 in the first degree if the person intentionally or knowingly:



- 1 (a) Equips or arms an unmanned aircraft with a firearm,
2 explosive, electric gun, or weapon of mass
3 destruction;
- 4 (b) Possesses, receives, transfers, operates, or produces
5 an unmanned aircraft that is equipped or armed with a
6 firearm, explosive, electric gun, or weapon of mass
7 destruction;
- 8 (c) Discharges or deploys a firearm, explosive, electric
9 gun, or weapon of mass destruction using an unmanned
10 aircraft;
- 11 (d) Operates an unmanned aircraft and thereby
12 intentionally, knowingly, or recklessly interferes
13 with or disrupts the operation of any manned aircraft;
- 14 (e) Uses an unmanned aircraft to transport and introduce,
15 or to attempt to transport and introduce, contraband,
16 drugs, or dangerous instruments into a prison;
- 17 (f) Uses an unmanned aircraft in furtherance of the
18 commission of a felony; or
- 19 (g) Operates an unmanned aircraft and thereby causes
20 serious bodily injury to another person.



1 (2) Misuse of unmanned aircraft in the first degree is a
2 class A felony.

3 (3) Subsection (1)(a), (b), (c), (d), and (g) shall not
4 apply to any police officer, deputy sheriff, adult corrections
5 officer, correctional worker, or fire department personnel
6 acting within the course and scope of their duties, or to any
7 other person acting under the authority of, or pursuant to a
8 contract with, the United States or a state or county
9 government, or any department or agency of the United States or
10 a state or county government.

11 (4) For purposes of this subsection:

12 "Contraband" has the same meaning as in section 710-1023.

13 "Dangerous instrument" has the same meaning as in section
14 707-700.

15 "Drug" has the same meaning as in section 710-1022.

16 "Electric gun" has the same meaning as in section 134-81.

17 "Explosive" means a device composed of a single ingredient,
18 or mixture of ingredients, capable of instantaneously releasing
19 a sufficient amount of energy to inflict substantial damage to
20 persons or property, and includes fireworks as defined in
21 section 132D-2.



1 "Firearm" has the same meaning as in section 134-1.

2 "Prison" includes jails, prisons, correctional centers,
3 correctional facilities, and detention centers.

4 "Serious bodily injury" has the same meaning as in section
5 707-700.

6 "Weapon of mass destruction" means any weapon that is
7 designed or intended to cause death or serious bodily injury
8 through the release, dissemination, or impact of toxic or
9 poisonous chemicals, or other precursors, and includes any
10 weapon involving a biological agent, toxin, or vector and any
11 weapon designed to release radiation or radioactivity at a level
12 dangerous to human life.

13 **§711-C Misuse of unmanned aircraft in the second degree.**

14 (1) A person commits the offense of misuse of unmanned aircraft
15 in the second degree if the person intentionally or knowingly:

16 (a) Disables any required identification transmission or
17 signaling of an unmanned aircraft;

18 (b) Disables or obscures any anti-collision lighting of an
19 unmanned aircraft or fails to have or illuminate the
20 lighting as required by law or by the rules,



1 regulations, and orders of the Federal Aviation
2 Administration;

3 (c) Operates an unmanned aircraft and thereby causes
4 substantial bodily injury to another person; or

5 (d) Operates an unmanned aircraft and thereby damages the
6 property of another, without the other's consent, in
7 an amount exceeding \$20,000.

8 (2) Misuse of unmanned aircraft in the second degree is a
9 class B felony. A person convicted of violating this section,
10 notwithstanding any law to the contrary, shall not be eligible
11 for a deferred acceptance of guilty plea or nolo contendere plea
12 under chapter 853.

13 (3) This section shall not apply to any police officer,
14 deputy sheriff, adult corrections officer, correctional worker,
15 or fire department personnel acting within the course and scope
16 of their duties, or to any other person acting under the
17 authority of, or pursuant to a contract with, the United States
18 or a state or county government, or any department or agency of
19 the United States or a state or county government.

20 (4) For purposes of this subsection, "substantial bodily
21 injury" has the same meaning as in section 707-700.



1 **§711-D Misuse of unmanned aircraft in the third degree.**

2 (1) A person commits the offense of misuse of unmanned aircraft
3 in the third degree if the person intentionally, knowingly, or
4 recklessly:

5 (a) Removes, obliterates, alters, or tampers with the
6 identification or registration number of an unmanned
7 aircraft;

8 (b) Operates an unmanned aircraft and thereby obstructs,
9 impairs or hinders the performance of a police
10 officer, deputy sheriff, or fire department personnel
11 acting under color of their official authority;

12 (c) Operates an unmanned aircraft and thereby causes
13 bodily injury to another person;

14 (d) Operates an unmanned aircraft and thereby damages the
15 property of another, without the other's consent, in
16 an amount exceeding \$750;

17 (e) Operates an unmanned aircraft while under the
18 influence of an intoxicant; or

19 (f) Operates an unmanned aircraft after the person's
20 license, certificate, or privilege to operate an
21 unmanned aircraft has been revoked, suspended, or



1 otherwise restricted by the issuing governmental
2 authority.

3 (2) Misuse of unmanned aircraft in the third degree is a
4 class C felony. A person convicted of violating this section,
5 notwithstanding any law to the contrary, shall not be eligible
6 for a deferred acceptance of guilty plea or nolo contendere plea
7 under chapter 853.

8 (3) This section shall not apply to any police officer,
9 deputy sheriff, adult corrections officer, correctional worker,
10 or fire department personnel acting within the course and scope
11 of their duties, or to any other person acting under the
12 authority of, or pursuant to a contract with, the United States
13 or a state or county government, or any department or agency of
14 the United States or a state or county government.

15 (4) For purposes of this subsection:

16 "Bodily injury" has the same meaning as in section 707-700.

17 "Intoxicant" has the same meaning as in section 291E-1.

18 "Under the influence" has the same meaning as in section
19 291E-1; provided that the term "unmanned aircraft" shall be
20 substituted for the term "vehicle" as used therein."



1 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By designating sections 711-1100 to 711-1113 as part I,
4 entitled "General Provisions".

5 2. By designating section 711-1114 for inclusion within
6 the new part added by section 1 of this Act.

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. In codifying the new sections added by
11 section 1 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Honolulu Prosecuting Attorney Package; Unmanned Aircraft;
Criminal Offenses

Description:

Establishes the felony offenses of misuse of unmanned aircraft
in the first, second, and third degrees. Effective 7/1/3000.
(HD1)

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