

JAN 19 2023

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 "Bodily injury" has the same meaning as provided in section
11 707-700.

12 "Contraband" has the same meaning as provided in section
13 710-1023.

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

16 "Drug" has the same meaning as provided in section
17 710-1022.



1 "Electric gun" has the same meaning as provided in section
2 134-81.

3 "Explosive" means a device composed of a single ingredient,
4 or mixture of ingredients, capable of instantaneously releasing
5 a sufficient amount of energy to inflict substantial damage to
6 persons or property, and includes fireworks as defined in
7 section 132D-2.

8 "Firearm" has the same meaning as provided in section
9 134-1.

10 "Intoxicant" has the same meaning as provided in section
11 291E-1.

12 "Prison" includes jails, prisons, correctional centers,
13 correctional facilities, and detention centers.

14 "Serious bodily injury" has the same meaning as provided in
15 section 707-700.

16 "Substantial bodily injury" has the same meaning as
17 provided in section 707-700.

18 "Unmanned aircraft" means any aircraft that is operated or
19 designed to be operated without a person in or on the aircraft,
20 or without the possibility of direct human intervention from
21 within or on the aircraft.



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

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

11 **§711-B Misuse of unmanned aircraft in the first degree.**

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

14 (a) Equips or arms an unmanned aircraft with a firearm,
15 explosive, electric gun, or weapon of mass
16 destruction;

17 (b) Possesses, receives, transfers, operates, or produces
18 an unmanned aircraft that is equipped or armed with a
19 firearm, explosive, electric gun, or weapon of mass
20 destruction;



- 1 (c) Discharges or deploys a firearm, explosive, electric
2 gun, or weapon of mass destruction using an unmanned
3 aircraft;
- 4 (d) Operates an unmanned aircraft and thereby
5 intentionally, knowingly, or recklessly interferes
6 with or disrupts the operation of any manned aircraft;
- 7 (e) Uses an unmanned aircraft to transport and introduce,
8 or to attempt to introduce, contraband, drugs, or
9 dangerous instruments into a prison;
- 10 (f) Uses an unmanned aircraft in furtherance of the
11 commission of a felony; or
- 12 (g) Operates an unmanned aircraft and thereby causes
13 serious bodily injury to another person.
- 14 (2) Misuse of unmanned aircraft in the first degree is a
15 class A felony.
- 16 (3) Subsection (1) (a), (b), (c), (d), and (g) shall not
17 apply to any police officer, deputy sheriff, or firefighter
18 acting within the course and scope of their duties, or to any
19 other person acting under the authority of, or pursuant to a
20 contract with, the United States or a state or county



1 government, or any department or agency of the United States or
2 a state or county government.

3 §711-C Misuse of unmanned aircraft in the second degree.

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

6 (a) Disables any required identification transmission or
7 signaling of an unmanned aircraft;

8 (b) Disables or obscures any anti-collision lighting of an
9 unmanned aircraft or fails to have or illuminate the
10 lighting as required by law or by the rules,
11 regulations, and orders of the Federal Aviation
12 Administration;

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

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

18 (2) Misuse of unmanned aircraft in the second degree is a
19 class B felony. A person convicted of violating this section,
20 notwithstanding any law to the contrary, shall not be eligible



1 for a deferred acceptance of guilty plea or nolo contendere plea
2 under chapter 853.

3 (3) This section shall not apply to any police officer,
4 deputy sheriff, or firefighter acting within the course and
5 scope of their duties, or to any other person acting under the
6 authority of, or pursuant to a contract with, the United States
7 or a state or county government, or any department or agency of
8 the United States or a state or county government.

9 **§711-D Misuse of unmanned aircraft in the third degree.**

10 (1) A person commits the offense of misuse of unmanned aircraft
11 in the third degree if the person intentionally, knowingly, or
12 recklessly:

13 (a) Removes, obliterates, alters, or tampers with the
14 identification or registration number of an unmanned
15 aircraft;

16 (b) Operates an unmanned aircraft and thereby obstructs,
17 impairs or hinders the performance of a police
18 officer, deputy sheriff, or firefighter acting under
19 color of their official authority;

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



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

4 (e) Operates an unmanned aircraft while under the
5 influence of an intoxicant;

6 (f) Operates an unmanned aircraft after the person's
7 license, certificate, or privilege to operate an
8 unmanned aircraft has been revoked, suspended, or
9 otherwise restricted by the issuing governmental
10 authority.

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

16 (3) This section shall not apply to any police officer,
17 deputy sheriff, or firefighter acting within the course and
18 scope of their duties, or to any other person acting under the
19 authority of, or pursuant to a contract with, the United States
20 or a state or county government, or any department or agency of
21 the United States or a state or county government."



S.B. NO. 229

1 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
2 amended by designating sections 711-1100 to 711-1112 as part I,
3 entitled "General Provisions".

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. In codifying the new sections added by section
8 1 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY:

M. M. W.
By Request



S.B. NO. 229

Report Title:

Honolulu Prosecuting Attorney Package; Unmanned Aircraft;
Criminal Offenses

Description:

Establishes the felony offenses of misuse of unmanned aircraft
in the 1st, 2nd, and 3rd degrees.

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