

FIRST REGULAR SESSION

HOUSE BILL NO. 931

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON.

2049H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 565.252 and 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.252 as enacted by senate bill no. 969 et al., ninety-first general assembly, second regular session, section 569.140 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, and section 565.250, RSMo, and to enact in lieu thereof four new sections relating to unmanned aircraft, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 565.252 and 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.252 as enacted by senate bill no. 969 et al., ninety-first general assembly, second regular session, section 569.140 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, and section 565.250, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 305.637, 565.250, 565.252, and 569.140, to read as follows:

305.637. 1. No state agency or county or municipal law enforcement shall use a drone or other unmanned aircraft to gather evidence or other information pertaining to conduct in violation of a statute, regulation, or ordinance except to the extent authorized in a search warrant.

2. A law enforcement agency may use a drone or unmanned aircraft without obtaining a search warrant in an emergency situation if there is an imminent threat to life or of great bodily harm including, but not limited to, fires, hostage crises, hot pursuit situations if reasonably necessary to prevent harm to law enforcement officers or others, and search and rescue operations on land or water. A law enforcement agency may also

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 **use a drone or unmanned aircraft without obtaining a search warrant to assess the**
11 **necessity of first responders in situations relating to traffic accidents, fires, or to inspect**
12 **state parks and conservation areas for illegal vegetation.**

13 **3. Nothing in this section shall be construed to prohibit any law enforcement officer**
14 **from gathering evidence under the plain view doctrine.**

565.250. As used in sections 565.250 to 565.257, the following terms mean:

2 (1) "Full or partial nudity", the showing of all or any part of the human genitals or pubic
3 area or buttock, or any part of the nipple of the breast of any female person, with less than a fully
4 opaque covering;

5 (2) "Photographs" or "films", the making of any photograph, motion picture film,
6 videotape, or any other recording or transmission of the image of a person;

7 (3) "Place where a person would have a reasonable expectation of privacy", any place
8 where a reasonable person would believe that a person could disrobe in privacy, without being
9 concerned that the person's undressing was being viewed, photographed or filmed by another;

10 (4) "Prior invasion of privacy offender", a person who previously has pleaded or been
11 found guilty of the crime of invasion of privacy;

12 (5) "Same course of conduct", more than one person has been filmed in full or partial
13 nudity under the same or similar circumstances pursuant to one scheme or course of conduct,
14 whether at the same or different times;

15 (6) **"Unmanned aircraft", any powered aerial vehicle that:**

16 **(a) Does not carry a human operator;**

17 **(b) Uses aerodynamic forces to provide vehicle lift;**

18 **(c) Can fly autonomously or be piloted remotely;**

19 **(d) Can be expendable or recoverable;**

20 **(e) Is capable of sustained flight in the atmosphere;**

21 **(f) Is flown for hobby or recreational purposes;**

22 **(g) Is operated without the possibility of direct human intervention from within or**
23 **on the aircraft; and**

24 **(h) Is not a government or commercial vehicle licensed with the Federal Aviation**
25 **Administration;**

26 (7) "Views", the looking upon of another person, with the unaided eye or with any device
27 designed or intended to improve visual acuity, for the purpose of arousing or gratifying the
28 sexual desire of any person.

565.252. 1. A person commits the offense of invasion of privacy if he or she knowingly:

2 (1) Photographs, films, videotapes, produces, or otherwise creates an image of another
3 person, without the person's consent, while the person is in a state of full or partial nudity and
4 is in a place where one would have a reasonable expectation of privacy; [or]

5 (2) Photographs, films, videotapes, produces, or otherwise creates an image of another
6 person under or through the clothing worn by that other person for the purpose of viewing the
7 body of or the undergarments worn by that other person without that person's consent; **or**

8 **(3) Uses an unmanned aircraft, as that term is defined in section 565.250, to**
9 **photograph, film, videotape, produce, or otherwise create an image of another person,**
10 **without the person's consent, if one would have a reasonable expectation of privacy.**

11 2. Invasion of privacy is a class A misdemeanor unless **the following events occur, in**
12 **which case invasion of privacy is a class E felony:**

13 (1) A person who creates an image in violation of this section distributes the image to
14 another or transmits the image in a manner that allows access to that image via computer;

15 (2) A person disseminates or permits the dissemination by any means, to another person,
16 of a videotape, photograph, or film obtained in violation of this section;

17 (3) More than one person is viewed, photographed, filmed or videotaped during the same
18 course of conduct; or

19 (4) The offense was committed by a person who has previously been found guilty of
20 invasion of privacy [in which case invasion of privacy is a class E felony].

21 3. Prior findings of guilt shall be pleaded and proven in the same manner required by the
22 provisions of section 558.021.

23 4. As used in this section, "same course of conduct" means more than one person has
24 been viewed, photographed, filmed, or videotaped under the same or similar circumstances
25 pursuant to one scheme or course of conduct, whether at the same or different times.

565.252. 1. A person commits the crime of invasion of privacy in the first degree if such
2 person:

3 (1) Knowingly photographs or films another person, without the person's knowledge and
4 consent, while the person being photographed or filmed is in a state of full or partial nudity and
5 is in a place where one would have a reasonable expectation of privacy, and the person
6 subsequently distributes the photograph or film to another or transmits the image contained in
7 the photograph or film in a manner that allows access to that image via a computer; [or]

8 (2) Knowingly disseminates or permits the dissemination by any means, to another
9 person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this
10 subsection or in violation of section 565.253; **or**

11 **(3) Uses an unmanned aircraft, as that term is defined in section 565.250, to**
12 **photograph, film, videotape, produce, or otherwise create an image of another person,**
13 **without the person’s consent, if one would have a reasonable expectation of privacy.**

14 2. Invasion of privacy in the first degree is a class D felony.

 569.140. 1. A person commits the offense of trespass in the first degree if he or she
2 knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable
3 structure or upon real property **or uses an unmanned aircraft over another person’s real**
4 **property without that person’s consent.**

5 2. A person does not commit the offense of trespass in the first degree by entering or
6 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner
7 designed to exclude intruders or as to which notice against trespass is given by:

8 (1) Actual communication to the actor; or

9 (2) Posting in a manner reasonably likely to come to the attention of intruders.

10 3. The offense of trespass in the first degree is a class B misdemeanor.

11 **4. For the purposes of this section, the term “unmanned aircraft” shall have the**
12 **same meaning as in section 565.250.**

 569.140. 1. A person commits the crime of trespass in the first degree if he knowingly
2 enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon
3 real property **or uses an unmanned aircraft over another person’s real property without that**
4 **person’s consent.**

5 2. A person does not commit the crime of trespass in the first degree by entering or
6 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner
7 designed to exclude intruders or as to which notice against trespass is given by:

8 (1) Actual communication to the actor; or

9 (2) Posting in a manner reasonably likely to come to the attention of intruders.

10 3. Trespass in the first degree is a class B misdemeanor.

11 **4. For the purposes of this section, the term “unmanned aircraft” shall have the**
12 **same meaning as in section 565.250.**

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