



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4162/1
EVM:ahe

2017 ASSEMBLY BILL 855

January 19, 2018 - Introduced by Representatives SCHRAA, KULP, TITTL and TUSLER, cosponsored by Senator FEYEN. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 942.10; *to renumber and amend* 114.045 (1) and 114.105; *to*
2 *amend* 114.04 and 114.045 (3); and *to create* 114.045 (1) (b), 114.045 (1) (c),
3 114.105 (1), 114.105 (3) and 114.105 (4) (b) of the statutes; **relating to:** the
4 operation and regulation of unmanned aircraft and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the operation of a drone in certain manners and prohibits a political subdivision from regulating the ownership or operation of a drone.

Current law prohibits the operation of a drone over a state correctional institution and the use of a drone with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy. This bill also prohibits the operation of a drone in any of the following manners: 1) so as to interfere with the official duties of a police officer, fire fighter, emergency medical responder, emergency medical services practitioner, or search and rescue officer; 2) so as to constitute stalking or criminal harassment; 3) so as to violate a restraining order or other judicial order; and 4) if an individual is required to register as a sex offender and is prohibited from taking these actions, for the purpose of following or contacting or photographing, recording, or otherwise observing another individual.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 114.04 of the statutes is amended to read:

2 **114.04 Flying and landing, limitations.** Subject to ~~s.~~ ss. 114.105 (3)
3 and 175.55, and except as provided in ~~ss. s.~~ 114.045 and 942.10, flight of or in aircraft
4 or spacecraft over the lands and waters of this state is lawful, unless at such a low
5 altitude as to interfere with the then existing use to which the land or water, or the
6 space over the land or water, is put by the owner, or unless so conducted as to be
7 imminently dangerous or damaging to persons or property lawfully on the land or
8 water beneath. The landing of an aircraft or spacecraft on the lands or waters of
9 another, without the person's consent, is unlawful, except in the case of a forced
10 landing. For damages caused by a forced landing, however, the owner or lessee of the
11 aircraft or spacecraft or the aeronaut or astronaut shall be liable, as provided in s.
12 114.05.

13 **SECTION 2.** 114.045 (1) of the statutes is renumbered 114.045 (1) (intro.) and
14 amended to read:

15 114.045 (1) (intro.) No person may operate a drone, as defined in s. 114.105 (1)
16 (a), ~~over~~ in any of the following manners:

17 (a) Over a correctional institution, as defined in s. 801.02 (7) (a) 1., including
18 any grounds of the institution.

19 **SECTION 3.** 114.045 (1) (b) of the statutes is created to read:

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1 114.045 (1) (b) So as to interfere with the official duties of a police officer, fire
2 fighter, emergency medical responder, emergency medical services practitioner, or
3 search and rescue officer.

4 **SECTION 4.** 114.045 (1) (c) of the statutes is created to read:

5 114.045 (1) (c) 1. So as to constitute stalking under s. 940.32 or harassment
6 under s. 947.013.

7 2. So as to violate a restraining order or other judicial order.

8 3. For the purpose of photographing, recording, or otherwise observing another
9 individual in a place or location where the individual has a reasonable expectation
10 of privacy.

11 4. If an individual is required to register as a sex offender and is prohibited from
12 taking these actions, for the purpose of following or contacting or photographing,
13 recording, or otherwise observing another individual.

14 **SECTION 5.** 114.045 (3) of the statutes is amended to read:

15 114.045 (3) A law enforcement officer investigating an alleged violation of sub.
16 (1) (a) shall seize and transfer to the department of corrections or authority in charge
17 of the correctional institution any photograph, motion picture, other visual
18 representation, or data that represents a visual image that was created or recorded
19 by a drone during an alleged violation of sub. (1) (a).

20 **SECTION 6.** 114.105 of the statutes is renumbered 114.105 (2) and amended to
21 read:

22 114.105 (2) ~~Any county, town, city or village~~ A political subdivision may adopt
23 any ordinance in strict conformity with the provisions of this chapter and impose the
24 same penalty for violation of any of its provisions except that ~~such an~~ an ordinance ~~shall~~
25 under this subsection may not provide for the suspension or revocation of pilot or

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1 aircraft licenses or certificates and shall may not provide for imprisonment except
2 for failure to pay any fine which may be imposed.

3 ~~(4) (a) No local authority shall political subdivision may enact any ordinance~~
4 governing aircraft or aeronautics or spacecraft or astronautics contrary to or
5 inconsistent with the provisions of this chapter or federal law. ~~Every court in which~~
6 ~~a violation of such ordinance is prosecuted shall make a written report of any~~
7 ~~conviction (including bail or appearance money forfeiture) to the federal aviation~~
8 ~~administration.~~

9 **SECTION 7.** 114.105 (1) of the statutes is created to read:

10 114.105 (1) In this section:

11 (a) "Drone" means a powered, aerial vehicle that does not carry a human
12 operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously
13 or be piloted remotely. A drone may be expendable or recoverable.

14 (b) "Political subdivision" means a city, village, town, or county.

15 **SECTION 8.** 114.105 (3) of the statutes is created to read:

16 114.105 (3) A political subdivision may enact an ordinance limiting the use of
17 drones by the political subdivision.

18 **SECTION 9.** 114.105 (4) (b) of the statutes is created to read:

19 114.105 (4) (b) Except as provided in this section, no political subdivision may
20 regulate the ownership or operation of a drone.

21 **SECTION 10.** 942.10 of the statutes is repealed.

22 (END)