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**HOUSE BILL 1766**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Lovick, Griffey, Pettigrew, Goodman, Sells, Orwall, Kilduff, Tarleton, Valdez, Gregerson, Mead, Callan, Walen, Appleton, Ortiz-Self, Kirby, Cody, Morgan, Riccelli, Macri, Davis, Bergquist, Ryu, Lekanoff, Stokesbary, Irwin, Vick, and Shea

AN ACT Relating to unmanned aircraft; adding a new chapter to Title 9A RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contraband" has the same meaning as provided in RCW 9A.76.010.

(2) "Detention facility" has the same meaning as provided in RCW 9A.76.010.

(3) "Private place" means a place where a person has a reasonable expectation of privacy.

(4) "Secure facility" has the same meaning as provided in RCW 71.09.020.

(5) "Surveillance" means using an unmanned aircraft or causing an unmanned aircraft to be used to enter or remain on or above the land of another in order to observe, record, or invade the privacy of another.

(6) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful use of an unmanned aircraft if the person knowingly uses an unmanned aircraft to:

(a) Conduct surveillance of another person in a private place;

(b) Operate the unmanned aircraft in a manner which places another person in reasonable fear of bodily injury; or

(c) Deliver, provide, transmit, or furnish contraband to a person confined in a detention facility or secure facility.

(2) In a prosecution under this section, it is a defense that the use of the unmanned aircraft was for the purpose of:

(a) Performing official duties by: (i) A peace officer; (ii) an employee or agent of the department of corrections, detention facility, or secure facility; (iii) an officer, employee, or agent of the federal, state, or local government including, but not limited to, a firefighter or emergency medical responder; or (iv) an employee or agent of an electric, water, natural gas, or other utility; or

(b) Aerial data collection, so long as: (i) The person used the unmanned aircraft in compliance with regulations promulgated by the federal aviation administration or he or she possesses an exemption issued by the federal aviation administration; and (ii) the person did not knowingly conduct surveillance of another person in a private place.

(3) Unlawful use of an unmanned aircraft is a gross misdemeanor.

(4) A person who, in the commission of the offense under this section, commits any other crime may be punished for that other crime as well as for the offense under this section and may be prosecuted for each crime separately.

NEW SECTION. **Sec.**  The state hereby occupies and preempts the field of unmanned aircraft regulation within the boundaries of the state, including for the purchase, acquisition, possession, operation, and use of unmanned aircraft. Cities, towns, counties, and other municipalities may not enact laws, ordinances, and resolutions pertaining to the purchase, acquisition, possession, operation, and use of unmanned aircraft, unless specifically authorized by statute. The preemption in this section applies regardless of the nature of the code, charter, or home rule status of a city, town, county, or other municipality. Any local laws, ordinances, and resolutions in violation of this section are void as of the effective date of this section.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act constitute a new chapter in Title 9A RCW.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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