



SPONSOR: Rep. Osienski & Rep. Mitchell & Rep. Ramone &
Sen. Walsh
Sen. Bonini

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 328

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNMANNED AIRCRAFT SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1334, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1334. Unlawful use of an unmanned aircraft system.

(b) *Prohibited acts.* — Except as provided in this section, no person shall knowingly operate, direct, or program an unmanned aircraft system to fly:

(1) Over any sporting event, concert, automobile race, festival, or other event at which more than 1500 people are in attendance; or

(2) Over any critical infrastructure; or

(3) Over any incident where first responders are actively engaged in response or air, water, vehicular, ~~ground~~ ground, or specialized ~~transport~~ transport; or

(4) So as to subject another person, who is on private property, to harassment in violation of § 1311(a) of this title; or

(5) So as to invade the privacy of another person, who is on private property, in violation of § 1335(a)(1), (2), (3), (4), or (6) of this title; or

(6) So as to violate or fail to obey any provision of a protective order issued by any of the following:

a. The Family Court.

b. A court of any state, territory, or Indian nation in the United States, as long as such violation or failure to obey occurs in Delaware.

c. A court of Canada, as long as such violation or failure to obey occurs in Delaware.

SYNOPSIS

This Act makes it a crime to fly an unmanned aircraft system to do any of the following:

- (1) Harass another person on private property.
- (2) Invade the privacy of another person on private property.
- (3) Violate or fail to obey a domestic violence protective order.

A violation of a crime created by this Act is punished consistent with the existing penalties under § 1334 of Title 11, which are as follows:

- (1) An unclassified misdemeanor for a first offense.
- (2) A class B misdemeanor for a second or subsequent offense.
- (3) A class A misdemeanor if physical injury to a person or damage to property occurs as a result of a violation.