

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3047

By COMMITTEE ON JUDICIARY

June 9

1 On page 1 of the printed A-engrossed bill, line 2, delete “amending ORS 837.340 and 837.365”
2 and insert “creating new provisions; amending ORS 837.340 and 837.365; and declaring an
3 emergency”.

4 Delete lines 4 through 27.

5 On page 2, delete lines 1 through 5 and insert:

6 “**SECTION 1.** ORS 837.365, as amended by section 2, chapter 72, Oregon Laws 2016, is amended
7 to read:

8 “837.365. [A person commits a Class A misdemeanor if the person intentionally, knowingly or
9 recklessly operates an unmanned aircraft system that is capable of firing a bullet or projectile or oth-
10 erwise operates an unmanned aircraft system in a manner that causes the system to function as a
11 dangerous weapon as defined in ORS 161.015.]

12 “(1) **Except as provided in subsection (2) of this section, a person may not intentionally,**
13 **knowingly or recklessly operate or cause to be operated an unmanned aircraft system that**
14 **is capable of firing a bullet or projectile or otherwise operate or cause to be operated an**
15 **unmanned aircraft system in a manner that causes the system to function as a dangerous**
16 **weapon as defined in ORS 161.015.**

17 “(2)(a) **Except as provided in paragraphs (b) and (c) of this subsection, violation of sub-**
18 **section (1) of this section is a Class A misdemeanor.**

19 “(b) **If the person intentionally, knowingly or recklessly operates an unmanned aircraft**
20 **system to fire a bullet or projectile or otherwise operates an unmanned aircraft system in**
21 **a manner that causes the system to function as a dangerous weapon as defined in ORS**
22 **161.015, violation of subsection (1) of this section is a Class C felony.**

23 “(c) **If the person intentionally, knowingly or recklessly operates an unmanned aircraft**
24 **system to fire a bullet or projectile or otherwise operates an unmanned aircraft system in**
25 **a manner that causes the system to function as a dangerous weapon as defined in ORS**
26 **161.015, and the operation of the unmanned aircraft system causes serious physical injury**
27 **to another person as both terms are defined in ORS 161.015, violation of subsection (1) of this**
28 **section is a Class B felony.**

29 “(3) **Subsection (1) of this section does not apply if:**

30 “(a) **The person uses the unmanned aircraft system to release, discharge, propel or eject**
31 **a nonlethal projectile for purposes other than to injure or kill persons or animals;**

32 “(b) **The person uses the unmanned aircraft system for nonrecreational purposes in**
33 **compliance with specific authorization from the Federal Aviation Administration;**

34 “(c) **The person notifies the Oregon Department of Aviation, the Oregon State Police and**
35 **any other agency that issues a permit or license for the activity requiring the use of the**

1 unmanned aircraft system of the time and location at which the person intends to use an
2 unmanned aircraft system that is capable of releasing, discharging, propelling or ejecting a
3 projectile at least five days before the person uses the system;

4 “(d) If the person intends to use an unmanned aircraft system that is capable of releas-
5 ing, discharging, propelling or ejecting a projectile in an area open to the public, the person
6 provides reasonable notice to the public of the time and location at which the person intends
7 to use the unmanned aircraft system; and

8 “(e) The person maintains a liability insurance policy in an amount not less than \$1
9 million that covers injury resulting from use of the unmanned aircraft system.

10 “(4) The notification requirement of subsection (3)(c) of this section does not apply to:

11 “(a) A career school licensed under ORS 345.010 to 345.450;

12 “(b) A community college as defined in ORS 341.005;

13 “(c) An education service district as defined in ORS 334.003;

14 “(d) The Oregon Health and Science University;

15 “(e) A public university listed in ORS 352.002; or

16 “(f) An institution that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2).

17 “(5) Notwithstanding subsection (3) of this section, a person may not use an unmanned
18 aircraft system that is capable of releasing, discharging, propelling or ejecting a projectile
19 for purposes of crowd management.”.

20 After line 14, insert:

21 “**SECTION 3.** Section 4 of this 2017 Act is added to and made a part of ORS 837.300 to
22 **837.390.**

23 “**SECTION 4.** (1) Except as provided in subsection (2) of this section, a person may not
24 operate an unmanned aircraft system over the boundaries of privately owned premises in a
25 manner so as to intentionally, knowingly or recklessly harass or annoy the owner or occu-
26 pant of the privately owned premises.

27 “(2) Subsection (1) of this section does not apply to the use of an unmanned aircraft
28 system by a law enforcement agency under ORS 837.335.

29 “(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, violation of sub-
30 section (1) of this section is a Class B violation.

31 “(b) If, at the time of the offense, the person has one prior conviction under this section,
32 violation of subsection (1) of this section is a Class A violation.

33 “(c) If, at the time of the offense, the person has two or more prior convictions under
34 this section, violation of subsection (1) of this section is a Class B misdemeanor.

35 “(d) If the court imposes a sentence of probation for a violation under paragraph (c) of
36 this subsection, the court may order as a condition of probation that the person may not
37 possess an unmanned aircraft system.

38 “**SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
40 on its passage.”.