

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3047**

1 On page 1 of the printed A-engrossed bill, line 2, delete “amending ORS  
2 837.340 and 837.365” and insert “creating new provisions; amending ORS  
3 837.340 and 837.365; and declaring an 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  
7 Laws 2016, is amended to read:

8 *“837.365. [A person commits a Class A misdemeanor if the person inten-*  
9 *tionally, knowingly or recklessly operates or causes to be operated an un-*  
10 *manned aircraft system that is capable of firing a bullet or projectile or*  
11 *otherwise operates or causes to be operated an unmanned aircraft system in a*  
12 *manner that causes the system to function as a dangerous weapon as defined*  
13 *in ORS 161.015.]*

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

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

1 **misdemeanor.**

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

7 **“(c) If the person intentionally, knowingly or recklessly operates**  
8 **an unmanned aircraft system to fire a bullet or projectile or otherwise**  
9 **operates an unmanned aircraft system in a manner that causes the**  
10 **system to function as a dangerous weapon as defined in ORS 161.015,**  
11 **and the operation of the unmanned aircraft system causes serious**  
12 **physical injury to another person as both terms are defined in ORS**  
13 **161.015, violation of subsection (1) of this section is a Class B felony.**

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

15 **“(a) The person uses the unmanned aircraft system to release, dis-**  
16 **charge, propel or eject a nonlethal projectile for purposes other than**  
17 **to injure or kill persons or animals;**

18 **“(b) The person uses the unmanned aircraft system for non-**  
19 **recreational purposes in compliance with specific authorization from**  
20 **the Federal Aviation Administration;**

21 **“(c) The person notifies the Oregon Department of Aviation, the**  
22 **Oregon State Police and any other agency that issues a permit or li-**  
23 **cence for the activity requiring the use of the unmanned aircraft sys-**  
24 **tem of the time and location at which the person intends to use an**  
25 **unmanned aircraft system that is capable of releasing, discharging,**  
26 **propelling or ejecting a projectile at least five days before the person**  
27 **uses the system;**

28 **“(d) If the person intends to use an unmanned aircraft system that**  
29 **is capable of releasing, discharging, propelling or ejecting a projectile**  
30 **in an area open to the public, the person provides reasonable notice**

1 to the public of the time and location at which the person intends to  
2 use the unmanned aircraft system; and

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

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

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

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

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

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

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

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

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

19 After line 14, insert:

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

22 “SECTION 4. (1) Except as provided in subsection (2) of this section,  
23 a person may not operate an unmanned aircraft system over the  
24 boundaries of privately owned premises in a manner so as to inten-  
25 tionally, 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  
28 unmanned aircraft system by a law enforcement agency under ORS  
29 837.335.

30 “(3)(a) Except as provided in paragraphs (b) and (c) of this sub-

1 section, violation of subsection (1) of this section is a Class B vio-  
2 lation.

3 “(b) If, at the time of the offense, the person has one prior con-  
4 viction under this section, violation of subsection (1) of this section is  
5 a Class A violation.

6 “(c) If, at the time of the offense, the person has two or more prior  
7 convictions under this section, violation of subsection (1) of this sec-  
8 tion is a Class B misdemeanor.

9 “(d) If the court imposes a sentence of probation for a violation  
10 under paragraph (c) of this subsection, the court may order as a con-  
11 dition of probation that the person may not possess an unmanned  
12 aircraft system.

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

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