

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1646

By: Representative Christiansen  
By: Senator Rice

## For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF UNLAWFUL USE OF AN UNMANNED AIRCRAFT SYSTEM; TO AMEND THE DEFINITIONS OF "CRITICAL INFRASTRUCTURE" AND "UNMANNED AIRCRAFT SYSTEM"; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE OFFENSE OF UNLAWFUL USE OF AN UNMANNED AIRCRAFT SYSTEM; TO AMEND THE DEFINITIONS OF "CRITICAL INFRASTRUCTURE" AND "UNMANNED AIRCRAFT SYSTEM".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-60-103(a), concerning the definitions of "critical infrastructure" and "unmanned aircraft system" for the offense of unlawful use of an unmanned aircraft system, is amended to read as follows:

(a) As used in this section:

(1) "Critical infrastructure" means:

- (A) An electrical power generation or delivery system;
- (B) A petroleum refinery;
- (C) A chemical or rubber manufacturing facility; ~~or~~
- (D) A petroleum or chemical storage facility; ~~and or~~
- (E) A railroad operating facility, including without

limitation a railroad right-of-way; and

(2)(A) "Unmanned aircraft system" means an unmanned, powered aircraft that:



(i) Does not carry a human operator;  
 (ii) Can be autonomous or remotely piloted or operated; and

(iii) Can be expendable or recoverable.

(B) "Unmanned aircraft system" does not include:

(i) A satellite orbiting the earth;  
 (ii) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific critical infrastructure;

(iii) An unmanned aircraft system used by the state after consultation with the Governor or a person who is acting under contract with the state to conduct surveillance of specific critical infrastructure;

~~(iv)(a) An unmanned aircraft system used pursuant to prior written authorization of the Arkansas Department of Emergency Management.~~

~~(b) The department shall provide standards for authorizations under subdivision (a)(2)(B)(iv)(a) of this section in rules adopted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., after consultation with the Governor;~~

~~(v)(iv)~~ An unmanned aircraft system used under a certificate of authorization issued by the Federal Aviation Administration; or

~~(vi)(v)~~ An unmanned aircraft used by a law enforcement agency, emergency medical service agency, hazardous materials response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose.