

**Senate File 369 - Introduced**

SENATE FILE 369

BY SWEENEY

**A BILL FOR**

1 An Act prohibiting the use of remotely piloted aircraft flying  
2 over certain property, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 715D.1 Definitions.

2 As used in this chapter:

3 1. "*Agricultural animal*" means an animal belonging to  
4 the bovine, caprine, equine, ovine, or porcine species; farm  
5 deer as defined in section 170.1; ostriches, rheas, or emus;  
6 turkeys, chickens, domestic geese or ducks, or other domestic  
7 fowl; or fish or other aquatic organisms confined in private  
8 waters for human consumption.

9 2. a. "*Convicted*" means the entry of a judgment of  
10 conviction under chapter 901 or adjudicated delinquent for an  
11 act which is an indictable offense in this state or in another  
12 state under chapter 232.

13 b. "*Convicted*" does not mean a plea, sentence, adjudication,  
14 deferred sentence, or deferred judgment which has been reversed  
15 or otherwise set aside.

16 3. "*Homestead*" means property which is a dwelling owned or  
17 leased by a person that is used as the principal residence for  
18 a person and includes up to four hundred feet of surrounding  
19 property owned or leased by the person.

20 4. "*Remotely piloted aircraft*" means a self-propelled  
21 vehicle used for navigation and flight, that is controlled by  
22 the use of an electronic system and is not designed to carry a  
23 human.

24 5. a. "*Secure farmstead area*" means property owned or  
25 leased by a person where agricultural animals are confined  
26 and fed and maintained for forty-five days or more in any  
27 twelve-month period, and includes up to four hundred feet of  
28 surrounding property owned or leased by the person.

29 b. "*Secure farmstead area*" includes an open feedlot as  
30 defined in section 459A.102, or a structure, including a barn  
31 or similar building, used to maintain agricultural animals.

32 6. "*Surveillance device*" means a camera or electronic  
33 equipment that transmits or records images, sounds, or data  
34 if the transmission or recording is capable of reasonably  
35 identifying any of the following:

1     *a.* The identity, physical appearance, conduct, or voice of  
2 an individual.

3     *b.* The species of an agricultural animal.

4     *c.* The unique physical characteristics of land or an  
5 improvement to land.

6     Sec. 2. NEW SECTION. 715D.2 Intrusion by use of remotely  
7 piloted aircraft — offense.

8     1. A person commits intrusion by the use of a remotely  
9 piloted aircraft if the person knowingly does any of the  
10 following:

11     *a.* Controls the flight of a remotely piloted aircraft over a  
12 homestead.

13     *b.* Controls the flight of remotely piloted aircraft over a  
14 secure farmstead area.

15     2. *a.* A person who commits intrusion by the use of a  
16 remotely piloted aircraft is guilty of a simple misdemeanor.

17     *b.* Notwithstanding paragraph “*a*”, a person who commits  
18 intrusion by the use of a remotely piloted aircraft is guilty  
19 of a serious misdemeanor if the person has previously been  
20 convicted of any of the following:

21     (1) Intrusion by the use of a remotely piloted aircraft as  
22 provided in this section.

23     (2) Surveillance by the use of a remotely piloted aircraft  
24 as provided in section 715D.3.

25     Sec. 3. NEW SECTION. 715D.3 Surveillance by use of remotely  
26 piloted aircraft — offense.

27     1. A person commits surveillance by the use of a remotely  
28 piloted aircraft if the person knowingly does any of the  
29 following:

30     *a.* Controls the flight of a remotely piloted aircraft  
31 equipped with a surveillance device over a homestead.

32     *b.* Controls the flight of a remotely piloted aircraft  
33 equipped with a surveillance device over a secure farmstead  
34 area.

35     2. *a.* A person who commits surveillance by the use of a

1 remotely piloted aircraft is guilty of a serious misdemeanor.

2     *b.* Notwithstanding paragraph "a", a person who commits  
3 surveillance by the use of a remotely piloted aircraft  
4 is guilty of an aggravated misdemeanor if the person has  
5 previously been convicted of any of the following:

6     (1) Intrusion by the use of a remotely piloted aircraft as  
7 provided in section 715D.2.

8     (2) Surveillance by the use of a remotely piloted aircraft  
9 as provided in this section.

10     Sec. 4. NEW SECTION. 715D.4 **Injunctive relief —**  
11 **harassment.**

12     1. A person who is the owner or lessee of a homestead or  
13 secure farmstead area may petition the district court to obtain  
14 an order for a temporary injunction to prevent the respondent  
15 from using any remotely piloted aircraft equipped with a  
16 surveillance device, if a preponderance of evidence indicates  
17 that the respondent is harassing the petitioner by controlling  
18 the flight of the remotely piloted aircraft over the person's  
19 homestead or secure farmstead area. The court shall grant  
20 the temporary injunction for not more than two years. The  
21 court may continue the injunction upon a petition filed by the  
22 petitioner with the court prior to the order's expiration.

23     2. If a court grants an order for a temporary injunction  
24 under subsection 1, the court may award the petitioner court  
25 costs, reasonable attorney fees, and expenses related to the  
26 petitioner's investigation and adjudication of the case, which  
27 shall be taxed as part of the costs of the action.

28     Sec. 5. NEW SECTION. 715D.5 **Exceptions.**

29     This chapter does not prohibit a person controlling the  
30 flight of a remotely piloted aircraft as provided in this  
31 chapter if the person is any of the following:

32     1. A person who acts with the consent of the owner of the  
33 homestead or secure farmstead area.

34     2. A department, division, or other unit of state government  
35 of this state or any other state, city, county, township, or

1 other governmental subdivision, or any other public corporation  
2 or agency created under the laws of this state, any other  
3 state, the United States, or any department or agency thereof,  
4 or any agency, commission, or authority established pursuant to  
5 an interstate compact or agreement or combination thereof.

6 3. A public utility as defined in section 476.1.

7 4. A person who controls the flight of a remotely piloted  
8 aircraft more than four hundred feet from the earth's surface.

9 5. A person who controls the flight of a remotely piloted  
10 aircraft for the exclusive purpose of collecting information  
11 regarding weather or climate conditions.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 GENERAL. This bill prohibits the use of remotely piloted  
16 aircraft (RPA) flying over a homestead or that part of a  
17 farmstead where agricultural animals are kept (secured  
18 farmstead area).

19 TERMS. An RPA refers to a self-propelled vehicle used  
20 for navigation and flight, is controlled by the use of an  
21 electronic system, and is not designed to carry a human. A  
22 homestead includes a dwelling owned or leased by a person that  
23 is used as the principal residence for a person and includes  
24 up to 400 feet of surrounding property owned or leased by that  
25 person. A secure farmstead area refers to an open feedlot,  
26 building, or other structure and includes up to 400 feet of  
27 surrounding property. A surveillance device refers to a camera  
28 or electronic equipment that transmits or records images,  
29 sounds, or data; and that is capable of reasonably identifying  
30 an individual, agricultural animal, or unique physical  
31 characteristics of land or an improvement.

32 CRIMINAL OFFENSES. The bill creates two related criminal  
33 offenses. A person commits intrusion by the use of an RPA  
34 (intrusion) by knowingly controlling the flight of an RPA over  
35 a homestead or secure farmstead area and a person commits

1 surveillance by the use of an RPA (surveillance) by controlling  
2 the flight of an RPA equipped with a surveillance device over  
3 those same locations. In each case, a criminal penalty is  
4 enhanced if a person has been previously convicted of either  
5 offense. In the case of a person committing intrusion, the  
6 penalty is a simple misdemeanor subject to an enhanced penalty  
7 of a serious misdemeanor and in the case of a person committing  
8 surveillance the penalty is a serious misdemeanor subject to  
9 an enhanced penalty of an aggravated misdemeanor. A simple  
10 misdemeanor is punishable by confinement for no more than 30  
11 days and a fine of at least \$105 but not more than \$855. A  
12 serious misdemeanor is punishable by confinement for no more  
13 than one year and a fine of at least \$430 but not more than  
14 \$2,560. An aggravated misdemeanor is punishable by confinement  
15 for no more than two years and a fine of at least \$855 but not  
16 more than \$8,540.

17 INJUNCTIVE RELIEF — HARASSMENT. An owner or lessee of a  
18 homestead or secure farmstead area may bring a case in district  
19 court as a petitioner in equity seeking to obtain a temporary  
20 injunction to prevent the other party as the respondent from  
21 harassing the petitioner by controlling the flight of an RPA  
22 over the petitioner's homestead or secure farmstead area.  
23 The temporary injunction is for not more than two years but  
24 is subject to a court ordered continuance. A successful  
25 petitioner may be awarded court costs, attorney fees, and  
26 expenses.

27 EXCEPTIONS. The bill's provisions do not apply to a number  
28 of persons including a person acting with the consent of the  
29 owner of the homestead or secure farmstead area, a unit of  
30 government, a public utility, a person who controls the flight  
31 of an RPA more than 400 feet from the earth's surface, or a  
32 person who controls the flight of an RPA for the purpose of  
33 collecting information regarding weather or climate conditions.