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## States' Unmanned Aerial Vehicle Laws: *Arkansas*



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# A National Agricultural Law Center Research Publication

## States' Unmanned Aerial Vehicle Laws: Arkansas

**AR ST § 5-16-101**

**AR ST § 5-16-102**

**AR ST § 5-60-103**

*Current through November 5, 2022*

### **AR ST § 5-16-101 Crime of Video Voyeurism**

(a) It is unlawful for a person to use a camera, videotape, photo-optical, photoelectric, or other image recording device for the purpose of secretly observing, viewing, photographing, filming, or videotaping another person who is present in a residence, place of business, school, or other structure, or a room or particular location within that structure, if the other person:

- (1) Is in a private area out of public view;
- (2) Has a reasonable expectation of privacy; and
- (3) Has not consented to the observing, viewing, photographing, filming, or videotaping.

(b) It is unlawful for a person to knowingly use an unmanned vehicle or aircraft, a camcorder, a motion picture camera, a photographic camera of any type, or other equipment that is concealed, operated in a manner to escape detection, or disguised to secretly or surreptitiously videotape, film, photograph, record, or view by electronic means another person:

- (1) For the purpose of viewing any portion of the other person's body and for which the other person has a reasonable expectation of privacy;
- (2) Without the knowledge or consent of the other person; and
- (3) Under circumstances in which the other person has a reasonable expectation of privacy.

(c) (1) A person who violates subsection (a) of this section upon conviction is guilty of a:

- (A) Class D felony for a first or second offense;
- (B) Class C felony for a third or subsequent offense; or
- (C) Class C felony if the victim is under fourteen (14) years of age.

(2) (A) A person who violates subsection (b) of this section upon conviction is guilty of a Class B misdemeanor.

(B) However, a person who violates subsection (b) of this section upon conviction is guilty of a Class A misdemeanor if the person:

- (i) Distributed or transmitted the video recording, film, or photo to another person;



- (ii) Posted the video recording, film, or photo in a format accessible by another person via the internet; or
  - (iii) Has previously been convicted of a violation of this section or § 5-16-102.
- (d) This section does not apply to:
- (1) Video recording or monitoring conducted under a court order from a court of competent jurisdiction;
  - (2) Security monitoring operated by or at the direction of an occupant of a residence;
  - (3) Security monitoring operated by or at the direction of the owner or administrator of a place of business, school, or other structure;
  - (4) Security monitoring operated in a motor vehicle used for public transit;
  - (5) Security monitoring and observation associated with a correctional facility, regardless of the location of the monitoring equipment;
  - (6) Video recording or monitoring conducted by a law enforcement officer within the official scope of his or her duty; or
  - (7) Videotaping under § 12-18-615(b).

## **AR ST § 5-16-102 Voyeurism**

- (a) As used in this section:
- (1) “Nude or partially nude” means a state of undress of a person who has less than a fully opaque covering over the genitals, pubic area, buttocks, or breast of a female;
  - (2) “Private place” means a place where a person may reasonably expect to be safe from being observed without his or her knowledge and consent; and
  - (3) “Public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility where a good, service, facility, privilege, advantage, or accommodation is offered, sold, or otherwise made available to the public.
- (b) A person commits the offense of voyeurism if for the purpose of sexual arousal or gratification, he or she knowingly:
- (1) Without the consent of each person who is present in the private place, personally or through the use of an unmanned vehicle or aircraft, looks into a private place that is, or is part of, a public accommodation and in which a person may reasonably be expected to be nude or partially nude; or
  - (2) Enters personally or through the use of an unmanned vehicle or aircraft another person's private property without the other person's consent and looks into any person's dwelling unit if:
    - (A) The person looks into the dwelling with the purpose to intrude upon or interfere with a person's privacy;
    - (B) The person looks into a part of the dwelling in which a person is present;
    - (C) The person present has a reasonable expectation of privacy in that part of the dwelling; and



- (D) The person present does not consent to the person's looking into that part of the dwelling.
- (c) Voyeurism is a:
  - (1) Class C felony if the victim is under fourteen (14) years of age;
  - (2) Class D felony if:
    - (A) A victim is under seventeen (17) years of age and the person who commits the offense holds a position of trust or authority over the victim; or
    - (B) The person has previously been convicted of an offense under this section or § 5-16-101; or
  - (3) Class A misdemeanor if otherwise committed.

## **AR ST § 5-60-103 Unlawful Use of Unmanned Aircraft**

- (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;
    - (D) A petroleum or chemical storage facility;
    - (E) A railroad operating facility;
    - (F) A communication tower or facility;
    - (G) A food processing or manufacturing facility; or
    - (H) A correctional or detention facility; 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 United States Government or a person who is acting pursuant to contract with the United States 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) An unmanned aircraft system used under a certificate of authorization issued by the Federal Aviation Administration; or
    - (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.



(b) A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly uses an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record critical infrastructure without the prior written consent of the owner of the critical infrastructure.

(c) This section does not prohibit:

(1) (A) A person from using an unmanned aircraft system to conduct surveillance of, gather evidence or collect information about, or photographically or electronically record his or her own property that is:

(i) Located on his or her own immovable property; or

(ii) Located on immovable property owned by another person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right.

(B) A third person retained by the owner of the property described in subdivision (c)(1)(A) of this section to conduct activities described in subdivision (c)(1)(A) of this section is not prohibited under this section from using an unmanned aircraft system to conduct the activities described in this subdivision (c)(1); or

(2) An insurance company or a person acting on behalf of an insurance company from using an unmanned aircraft system for purposes of underwriting an insurance risk or investigating damage to insured property.

(d) Unlawful use of an unmanned aircraft system is:

(1) A Class B misdemeanor; or

(2) A Class A misdemeanor for a second or subsequent offense.

