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States' Unmanned Aerial Vehicle Laws: *New Jersey*



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NJ ST § 2C:40-28

Current through November 11, 2022

NJ ST § 2C:40-28 Prohibited Activities Relating to Operation of Unmanned Aircraft Systems; Violations; Conviction Not to Merge with Other Convictions

- a. A person commits a disorderly persons offense if he knowingly or intentionally operates as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27) an unmanned aircraft system as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27) in a manner that endangers the life or property of another. In making this determination, the court shall consider the standards for safe operation of small unmanned aircraft systems prescribed by federal law or regulation.
- b. (1) A person commits a crime of the fourth degree if he knowingly or intentionally creates or maintains a condition which endangers the safety or security of a correctional facility by operating an unmanned aircraft system on the premises of or in close proximity to that facility without license or privilege to do so.
(2) A person commits a crime of the third degree if he knowingly operates an unmanned aircraft system to conduct surveillance of, or gather information about, a correctional facility without license or privilege to do so.
For purposes of this subsection, "correctional facility" means a jail, prison, lockup, penitentiary, reformatory, training school, or other similar facility within the State of New Jersey.
- c. A person commits a crime of the fourth degree if he knowingly or intentionally operates an unmanned aircraft system in a manner that interferes with a first responder who is actively engaged in response or actively engaged in air, water, vehicular, ground, or specialized transport.
For purposes of this subsection "first responder" means a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of his employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other assistance.
- d. A person commits a disorderly persons offense if he knowingly operates an unmanned aircraft system or uses an unmanned aircraft system to take or assist in the taking of wildlife.



e. A person commits a disorderly persons offense if he operates an unmanned aircraft system while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug or with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood.

f. It shall be a violation of any restraining order issued by the court pursuant to section 2 of P.L.1999, c. 47 (C.2C:12-10.2), section 3 or 4 of P.L.2015, c. 147 (C.2C:14-15 or C.2C:14-16), section 12 of P.L.1991, c. 261 (C.2C:25-28), section 4 of P.L.1999, c. 334 (C.2C:35-5.7), or any other court order restraining contact with a person or location, for a person subject to that order to knowingly operate an unmanned aircraft system to fly within a distance of a person or location that would violate that restraining order.

g. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law to the contrary, a conviction under this section shall not merge with a conviction of harassment pursuant to N.J.S.2C:33-4, stalking pursuant to section 1 of P.L.1992, c. 209 (C.2C:12-10), invasion of privacy pursuant to section 1 of P.L.2003, c. 206 (C.2C:14-9), obstructing administration of law or other governmental function pursuant to N.J.S.2C:29-1, introducing contraband pursuant to N.J.S.2C:29-6, contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 which constitutes a crime or disorderly persons offense, or any other criminal offense, even if any other conviction involves the use of an unmanned aircraft system, nor shall the other conviction merge with a conviction under this section.

