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States' Unmanned Aerial Vehicle Laws: *Tennessee*



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States' Unmanned Aerial Vehicle Laws: Tennessee

TN ST § 39-13-903

TN ST § 39-13-904

TN ST § 39-13-905

Current through November 20, 2022

TN ST § 39-13-903 Capture or Use of Image Using Unmanned Aircraft; Use of Unmanned Aircraft Over Prohibited Sites or Facilities; Penalty; Defense

(a) Subject to the exceptions set forth in § 39-13-902(a), a person commits an offense if the person:

(1) Uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image;

(2) Knowingly uses an image in a manner prohibited by § 39-13-902(b);

(3) Without the venue owner or operator's consent, uses an unmanned aircraft to intentionally capture an image of an individual or event at, or drop any item or substance into, an open-air event venue wherein more than one hundred (100) individuals are gathered for a ticketed event;

(4) (A) Knowingly uses an unmanned aircraft within or over a designated fireworks discharge site, fireworks display site, or fireworks fallout area during an event as defined in § 68-104-202, without the consent of the owner or operator of the event; and

(B) For purposes of this subdivision (a)(4):

(i) "Discharge site" means the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(ii) "Display site" means the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas; and

(iii) "Fallout area" means the designated area in which hazardous debris is intended to fall after a pyrotechnic device, including display fireworks, is fired;

(5) Knowingly uses an unmanned aircraft over the grounds of a correctional facility; or



- (6) (A) Without the business operator's written consent, knowingly uses an unmanned aircraft within two hundred fifty feet (250') of the perimeter of any critical infrastructure facility for the purpose of conducting surveillance of, gathering evidence or collecting information about, or photographically or electronically recording, critical infrastructure data;
- (B) As used in this subdivision (a)(6), "critical infrastructure facility" means:
- (i) An electrical power generation system; electrical transmission system, either as a whole system or any individual component of the transmission system; or electrical distribution substation;
 - (ii) A petroleum refinery;
 - (iii) A manufacturing facility that utilizes any hazardous substance, as defined in § 68-131-102, either in storage or in the process of manufacturing;
 - (iv) A chemical or rubber manufacturing facility;
 - (v) A petroleum or chemical storage facility;
 - (vi) A water or wastewater treatment facility;
 - (vii) Any facility, equipment, or pipeline infrastructure utilized in the storage, transmission, or distribution of natural gas or propane;
 - (viii) Railroad yards and facilities not open to the general public; and
 - (ix) A communication service facility;
- (C) This subdivision (a)(6) shall not prohibit an unmanned aircraft system from operating for commercial purposes in compliance with authorization granted by the Federal Aviation Administration.
- (b) (1) An offense under subdivisions (a)(1)-(5) is a Class C misdemeanor.
 (2) An offense under subdivision (a)(6) is a Class E felony.
- (c) It is a defense to prosecution under this section that the person destroyed the image:
- (1) As soon as the person had knowledge that the image was captured in violation of this section; and
 - (2) Without disclosing, displaying, or distributing the image to a third party.

TN ST § 39-13-904 Offense; Penalty

- (a) A person commits an offense if the person:
- (1) Captures an image in violation of § 39-13-903; and
 - (2) (A) Possesses that image; or
 (B) Discloses, displays, distributes, or otherwise uses that image.
- (b) (1) An offense under subdivision (a)(2)(A) is a Class C misdemeanor.
 (2) An offense under subdivision (a)(2)(B) is a Class B misdemeanor.
- (c) Each image a person possesses, discloses, displays, distributes, or otherwise uses in violation of this section is a separate offense.
- (d) It is a defense to prosecution under this section for the possession of an image that the person destroyed the image as soon as the person had knowledge that the image was captured in violation of § 39-13-903.



(e) It is a defense to prosecution under this section for the disclosure, display, distribution, or other use of an image that the person stopped disclosing, displaying, distributing, or otherwise using the image as soon as the person had knowledge that the image was captured in violation of § 39-13-903.

TN ST § 39-13-905 Image; Disclosure and Use of Evidence

(a) Except as otherwise provided by subsection (b), an image captured in violation of § 39-13-903, or an image captured by an unmanned aircraft that was incidental to the lawful capturing of an image:

(1) May not be used as evidence in any criminal or juvenile proceeding, civil action, or administrative proceeding;

(2) Is not subject to disclosure, inspection, or copying under title 10, chapter 7; and

(3) Is not subject to discovery, subpoena, or other means of legal compulsion for its release.

(b) An image described by subsection (a) may be disclosed and used as evidence to prove a violation of this part and is subject to discovery, subpoena, or other means of legal compulsion for that purpose.

