



## **2026-2027 Enacted State Budget: Developing a Comprehensive Plan for Drones (PPGG Part D)**

The 2026-2027 Enacted State Budget includes legislation that creates new Penal Law Article 280 creating specific crimes related to the unlawful use of drones and grants law enforcement new authority to respond to drone-related threats.

### **New Criminal Offense: Unlawful Use of a Drone (Class A misdemeanor):**

Applies when a person operates a drone in a “nefarious manner” or flies a drone over “prohibited space” without authorization.

- Prohibited space includes areas within 500 feet of airports, police and fire stations, emergency dispatch centers, correctional facilities, schools, large public gatherings (such as festivals or sporting events), and critical infrastructure.
- Nefarious manner means using a drone in a way that is criminal, dangerous, or intended to interfere with public safety or security. Specifically, it includes using a drone to:
  - commit or help commit a crime;
  - create a substantial risk of injury to another person;
  - create a substantial risk of property damage;
  - interfere with emergency response, law enforcement, search and rescue, disaster response, medical evacuation, or other public safety operations;
  - harass, intimidate, stalk, surveil, or physically menace someone in violation of state or local law;
  - deliver or attempt to deliver contraband to a correctional, detention, secure treatment, or other secure government facility;
  - drop, spray, discharge, project, or release an object or substance in a way that risks injury, property damage, or disruption of public safety operations; or

- conduct unauthorized surveillance of a state or federal military installation.

Provisions of the Penal Code do not apply to

- Toy drones operated solely for recreation unless it's operated recklessly to create a substantial risk of injury to people or property
- Recreational drones, so long as they comply with federal rules and are not operated recklessly to create a substantial risk of injury to people or property
- Drones operated for commercial, educational, agricultural, journalistic, infrastructure, or other lawful purposes so long as they comply with federal rules and are not operated recklessly to create a substantial risk of injury to people or property
- Government employees acting within the scope of their official duties

### **Expanded Law Enforcement Authority**

Adds Executive Law § 236 to authorize trained police officers and peace officers to take “reasonable and necessary” mitigation measures when a drone poses a credible threat to public safety or prohibited spaces.

Non-kinetic measures (such as electronic or signal-based methods) may be used when there's reasonable suspicion that a drone is being operated in a nefarious way or in a prohibited airspace

Kinetic measures allowed only there's probable cause that the drone is being operated in a nefarious way or in a prohibited airspace.

### **Training, Oversight, and Reporting Requirements**

Officers may only use mitigation measures against a drone if they have completed training required by the Superintendent of State Police. Any use of mitigation measures must be reported by the employing agency to the State Police within 48 hours, adding a new administrative and compliance obligation for local law enforcement agencies.

### **Procurement and Technology Impacts**

The Superintendent of State Police will establish a “New York State Blue List” of approved vendors for drones and drone mitigation technology. Once established towns and town police departments may only purchase or lease drones or drone mitigation technology from vendors on the Blue List.

### **Effective Date**

The act takes effect 90 days after becoming law (end of August)