A BILL FOR AN ACT

CONCERNING PROHIBITING THE USE OF UNMANNED AIRCRAFT SYSTEMS TO OBSTRUCT PUBLIC SAFETY OPERATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill creates the new criminal offense of obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system. A person commits the offense when he or she operates an unmanned aircraft system in a manner that violates one or more safety requirements and obstructs, impairs, or hinders:

Shading denotes HOUSE amendment
Double underlining denotes SENATE amendment
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
A peace officer acting under color of his or her official authority;
A firefighter acting under color of his or her official authority;
An emergency medical service provider or rescue specialist acting under color of his or her official authority; or
The administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.

Obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system is a class 2 misdemeanor.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that, as the use of unmanned aircraft systems expands in Colorado, the possibility exists that operators of such systems may interfere with public safety operations and that such interference could create public safety concerns.

(2) Now, therefore, it is the intent of the general assembly that:

(a) Efforts should be undertaken to increase public awareness of the possible hazards of unmanned aircraft systems and to provide necessary tools to eliminate, to the extent possible, interference with public safety activities by operators of unmanned aircraft systems; and

(b) When a public safety agency enters a scenario in which interference by unmanned aircraft systems would likely put public safety at risk:

(I) The agency should make its presence known; and

(II) Operators of unmanned aircraft systems should follow applicable laws and regulations and comply with any instructions issued by public safety entities on the scene.
SECTION 2. In Colorado Revised Statutes, add 18-8-104.5 as follows:

18-8-104.5. Obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system - safety requirements - exception - definitions. (1) A person commits obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer with an unmanned aircraft system when he or she operates an unmanned aircraft system in a manner that:

(a) Violates one or more of the safety requirements described in subsection (2) of this section; and

(b) Obstructs, impairs, or hinders:

(I) A peace officer acting under color of his or her official authority;

(II) A firefighter acting under color of his or her official authority;

(III) An emergency medical service provider or rescue specialist acting under color of his or her official authority; or

(IV) The administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.

(2) A person who operates an unmanned aircraft system:

(a) Shall not interfere with manned or unmanned aircraft operations involved in public safety operations; and

(b) Shall not interfere with ground operations involved...
IN PUBLIC SAFETY.

(3) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PEACE OFFICER WAS ACTING IN AN ILLEGAL MANNER, IF HE OR SHE WAS ACTING UNDER COLOR OF HIS OR HER OFFICIAL AUTHORITY. A PEACE OFFICER ACTS "UNDER COLOR OF HIS OR HER OFFICIAL AUTHORITY" IF, IN THE REGULAR COURSE OF ASSIGNED DUTIES, HE OR SHE MAKES A JUDGMENT IN GOOD FAITH BASED ON SURROUNDING FACTS AND CIRCUMSTANCES THAT HE OR SHE MUST ACT TO ENFORCE THE LAW OR PRESERVE THE PEACE.

(4) THE OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION DOES NOT APPLY IF THE PERSON WHO OPERATES THE UNMANNED AIRCRAFT SYSTEM:

(a) OBTAINS PERMISSION TO OPERATE THE UNMANNED AIRCRAFT SYSTEM FROM A LAW ENFORCEMENT AGENCY OR OTHER ENTITY THAT IS COORDINATING THE RESPONSE OF PEACE OFFICERS, FIREFIGHTERS, OR EMERGENCY MEDICAL SERVICE PROVIDERS TO AN EMERGENCY OR ACCIDENT;

(b) CONTINUES TO COMMUNICATE WITH SUCH ENTITY DURING THE OPERATION OF THE UNMANNED AIRCRAFT SYSTEM; AND

(c) COMPLIES IMMEDIATELY WITH ANY INSTRUCTIONS FROM THE ENTITY CONCERNING THE OPERATION OF THE UNMANNED AIRCRAFT SYSTEM.

(5) OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICE PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER WITH AN UNMANNED AIRCRAFT SYSTEM IS A CLASS 2 MISDEMEANOR.

(6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
(a) "EMERGENCY MEDICAL SERVICE PROVIDER" MEANS A MEMBER OF A PUBLIC OR PRIVATE EMERGENCY MEDICAL SERVICE AGENCY, WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH EMERGENCY MEDICAL SERVICE PROVIDER.

(b) "RESCUE SPECIALIST" MEANS A MEMBER OF A PUBLIC OR PRIVATE RESCUE AGENCY, WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH RESCUE SPECIALIST.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1(3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.