

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0329.01 Richard Sweetman x4333

HOUSE BILL 18-1314

HOUSE SPONSORSHIP

Ginal and Lawrence,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE USE OF UNMANNED AIRCRAFT SYSTEMS**
102 **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.

SENATE
3rd Reading Unamended
May 1, 2018

SENATE
2nd Reading Unamended
April 30, 2018

HOUSE
3rd Reading Unamended
April 19, 2018

HOUSE
Amended 2nd Reading
April 18, 2018

- ! 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.

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

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

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

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

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

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

16 (II) Operators of unmanned aircraft systems should follow
17 applicable laws and regulations and comply with any instructions issued
18 by public safety entities on the scene.

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SECTION 2. In Colorado Revised Statutes, 18-8-104, **amend** (5)(b); and **add** (2.5) and (5)(c) as follows:

18-8-104. Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer. (2.5) IF A PERSON IS ALLEGED TO HAVE COMMITTED THE OFFENSE DESCRIBED IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION BY USING OR THREATENING TO USE AN UNMANNED AIRCRAFT SYSTEM AS AN OBSTACLE, THE OFFENSE 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, EMERGENCY MEDICAL SERVICE PROVIDERS, RESCUE SPECIALISTS, OR VOLUNTEERS 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) For purposes of this section, unless the context otherwise requires:

(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.~~ "OBSTACLE" INCLUDES AN UNMANNED AIRCRAFT SYSTEM.

(c) "RESCUE SPECIALIST" MEANS A MEMBER OF A PUBLIC OR

1 PRIVATE RESCUE AGENCY, WHETHER THAT PERSON IS A VOLUNTEER OR
2 RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH RESCUE
3 SPECIALIST.

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

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