

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB26-024 be amended as follows:

1 Amend printed bill, page 8, before line 15 insert:

2 "SECTION 3. In Colorado Revised Statutes, add 18-13-134 as
3 follows:

4 **18-13-134. Drones - critical facilities - criminal conduct -**
5 **unlawful surveillance - notice to revisor - definitions - repeal.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CRITICAL FACILITY" INCLUDES:

9 (I) A PETROLEUM REFINERY;

10 (II) A PETROLEUM, CHEMICAL, OR RUBBER PRODUCTION,
11 TRANSPORTATION, STORAGE, OR PROCESSING FACILITY;

12 (III) A CHEMICAL MANUFACTURING FACILITY;

13 (IV) A WATER OR WASTEWATER TREATMENT FACILITY;

14 (V) A WATER DEVELOPMENT, DISTRIBUTION, CONVEYANCE, OR
15 STORAGE SYSTEM, INCLUDING A DAM;

16 (VI) AN ELECTRIC GENERATION FACILITY;

17 (VII) AN ELECTRICAL TRANSMISSION OR DISTRIBUTION
18 SUBSTATION;

19 (VIII) AN ELECTRICAL TRANSMISSION LINE OF AT LEAST
20 SIXTY-NINE THOUSAND VOLTS;

21 (IX) AN ELECTRONIC COMMUNICATION STATION OR TOWER;

22 (X) AN ENERGY CONTROL CENTER;

23 (XI) A DISTRIBUTION OPERATING CENTER;

24 (XII) A FACILITY THAT TRANSFERS OR DISTRIBUTES NATURAL GAS;

25 (XIII) A LIQUEFIED NATURAL GAS FACILITY OR SUPPLIER TAP
26 FACILITY;

27 (XIV) RAILROAD INFRASTRUCTURE;

28 (XV) AN AGRICULTURAL PRODUCTION, FEEDING, OR PROCESSING
29 FACILITY;

30 (XVI) A FEDERAL, STATE, COUNTY, OR MUNICIPAL COURT;

31 (XVII) A PUBLIC SAFETY OR EMERGENCY OPERATION FACILITY;

32 (XVIII) A FEDERAL, STATE, COUNTY, OR MUNICIPAL
33 INCARCERATION FACILITY;

34 (XIX) A FEDERAL OR STATE MILITARY INSTALLATION OR FACILITY;

35 AND

36 (XX) A HOSPITAL THAT RECEIVES AIR AMBULANCE SERVICES.

37 (b) "UNLAWFUL SURVEILLANCE" MEANS, WITHOUT THE CONSENT
38 OF THE OWNER OR AUTHORIZED REPRESENTATIVE OF A CRITICAL FACILITY
39 AND IN THE FURTHERANCE OF A CRIMINAL OFFENSE, THE INTENTIONAL
40 ACQUISITION OF IMAGES OR ELECTRONIC DATA BY MEANS OF AN
41 INSTRUMENT CAPABLE OF RECORDING, STORING, OR TRANSMITTING VISUAL

1 IMAGES.

2 (c) "UNMANNED AIRCRAFT" HAS THE MEANING SET FORTH IN
3 SECTION 42-7-102 (3).

4 (d) "UNMANNED AIRCRAFT SYSTEM" HAS THE MEANING SET FORTH
5 IN SECTION 42-7-102 (4).

6 (2) A PERSON SHALL NOT:

7 (a) OPERATE AN UNMANNED AIRCRAFT SYSTEM IN CLOSE
8 PROXIMITY TO A CRITICAL FACILITY WITH THE INTENT TO:

9 (I) CAUSE HARM OR DAMAGE TO THE CRITICAL FACILITY; OR

10 (II) CONDUCT UNLAWFUL SURVEILLANCE OF THE CRITICAL
11 FACILITY; OR

12 (b) KNOWINGLY RECORD OR DISTRIBUTE AN IMAGE OR VIDEO OF
13 A PART, PROCEDURE, OR ACTION OF A CRITICAL FACILITY WITH THE INTENT
14 TO:

15 (I) CAUSE HARM OR DAMAGE TO THE CRITICAL FACILITY; OR

16 (II) CONDUCT UNLAWFUL SURVEILLANCE OF THE CRITICAL
17 FACILITY

18 (3) A PERSON THAT VIOLATES SUBSECTION (2) OF THIS SECTION
19 COMMITS CRIMINAL AERIAL SURVEILLANCE OF A CRITICAL FACILITY, WHICH
20 IS A CLASS 2 MISDEMEANOR, AND SHALL BE PUNISHED AS PROVIDED IN
21 SECTION 18-1.3-501.

22 (4) THIS SECTION DOES NOT APPLY TO:

23 (a) AN UNMANNED AIRCRAFT SYSTEM BEING OPERATED BY A
24 PEACE OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES;

25 (b) AN UNMANNED AIRCRAFT SYSTEM OWNED OR OPERATED BY
26 THE UNITED STATES GOVERNMENT, OR AN OPERATOR UNDER CONTRACT
27 WITH AN AGENCY OF THE UNITED STATES GOVERNMENT, IN PERFORMANCE
28 OF THE OPERATOR'S ASSIGNED DUTIES; OR

29 (c) AN UNMANNED AIRCRAFT OPERATING IN COMPLIANCE WITH
30 FEDERAL AVIATION ADMINISTRATION REGULATIONS, AUTHORIZATIONS, OR
31 EXEMPTIONS.

32 (5) THIS SECTION WILL BE REPEALED IF THE FEDERAL AVIATION
33 ADMINISTRATION ADOPTS REGULATIONS IMPLEMENTING SECTION 2209 OF
34 THE FEDERAL "FAA EXTENSION, SAFETY, AND SECURITY ACT OF 2016",
35 PUB.L. 114-190. THE DIRECTOR OF THE AERONAUTICS DIVISION SHALL
36 NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE WHEN THE
37 CONDITION SPECIFIED IN THIS SUBSECTION (5) HAS OCCURRED BY
38 EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS
39 SECTION IS REPEALED, EFFECTIVE UPON THE DATE IDENTIFIED IN THE
40 NOTICE THAT THE FEDERAL AVIATION ADMINISTRATION ADOPTS
41 REGULATIONS IMPLEMENTING SECTION 2209 OF THE FEDERAL "FAA
42 EXTENSION, SAFETY, AND SECURITY ACT OF 2016", PUB.L. 114-190, OR,
43 IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE
44 NOTICE TO THE REVISOR OF STATUTES."

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