

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0527.01 Richard Sweetman x4333

SENATE BILL 15-059

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SENATE SPONSORSHIP

Newell, Lundberg, Guzman, Lambert

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE USE OF UNMANNED AERIAL VEHICLES IN LIMITED  
102 CIRCUMSTANCES.

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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://www.leg.state.co.us/billsummaries>.)*

The bill permits law enforcement to use an unmanned aerial vehicle (UAV) under the following circumstances:

- ! When it receives a search warrant authorizing the use prior to the use;
- ! When it is needed to prevent imminent harm to life or to forestall the imminent escape of a suspect or the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

destruction of evidence; and

! When there is a high risk of a terrorist attack determined by the department of homeland security.

A law enforcement agency must receive federal aviation administration authority prior to using a UAV, and the UAV may not exceed 25 pounds.

The bill creates parameters for individual, recreational, civil, and industrial use of UAVs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-3-311 as  
3 follows:

4 **16-3-311. Government use of unmanned aerial vehicles -**  
5 **definitions.** (1) (a) A LAW ENFORCEMENT AGENCY MAY OPERATE AN  
6 UNMANNED AERIAL VEHICLE AND MAY DISCLOSE INFORMATION FROM THE  
7 OPERATION IN ORDER TO COLLECT INFORMATION FROM A NONPUBLIC AREA  
8 IF THE LAW ENFORCEMENT AGENCY OBTAINS A WARRANT ISSUED UNDER  
9 SECTION 16-3-301 PRIOR TO THE OPERATION OR UNDER THE  
10 CIRCUMSTANCES DESCRIBED IN SUBSECTION (2) OR (3) OF THIS SECTION.

11 (b) WHEN AN UNMANNED AERIAL VEHICLE IS USED PURSUANT TO  
12 PARAGRAPH (a) OF THIS SUBSECTION (1), IT MUST BE OPERATED IN A  
13 MANNER TO COLLECT DATA ONLY ON THE SUBJECT AND TO AVOID DATA  
14 COLLECTION ON INDIVIDUALS, HOMES, OR AREAS OTHER THAN THE  
15 SUBJECT. THE LAW ENFORCEMENT AGENCY USING THE UNMANNED AERIAL  
16 VEHICLE SHALL NOT USE FACIAL RECOGNITION OR OTHER BIOMETRIC  
17 MATCHING TECHNOLOGY ON NONSUBJECT DATA COLLECTED BY THE  
18 UNMANNED AERIAL VEHICLE.

19 (c) WHEN AN UNMANNED AERIAL VEHICLE IS USED PURSUANT TO  
20 PARAGRAPH (a) OF THIS SUBSECTION (1), THE LAW ENFORCEMENT AGENCY  
21 SHALL DESTROY ALL INFORMATION GATHERED FROM THE OPERATION

1        WITHIN FOURTEEN DAYS AFTER THE OPERATION UNLESS THE SUPERVISING  
2        LAW ENFORCEMENT AGENT DETERMINES THERE IS REASONABLE SUSPICION  
3        THAT THE INFORMATION CONTAINS EVIDENCE OF CRIMINAL ACTIVITY OR  
4        THE INFORMATION IS RELEVANT TO AN ONGOING INVESTIGATION OR  
5        PENDING CRIMINAL TRIAL.

6            (2) A LAW ENFORCEMENT AGENCY MAY USE AN UNMANNED  
7        AERIAL VEHICLE IF THE AGENCY POSSESSES REASONABLE SUSPICION THAT,  
8        UNDER PARTICULAR CIRCUMSTANCES, SWIFT ACTION IS NEEDED TO  
9        PREVENT IMMINENT HARM TO LIFE OR TO FORESTALL THE IMMINENT  
10       ESCAPE OF A SUSPECT OR THE DESTRUCTION OF EVIDENCE. THE USE OF AN  
11       UNMANNED AERIAL VEHICLE UNDER THIS SUBSECTION (2) IS LIMITED TO A  
12       PERIOD OF FORTY-EIGHT HOURS. WITHIN TWENTY-FOUR HOURS AFTER THE  
13       INITIATION OF THE USE OF AN UNMANNED AERIAL VEHICLE PURSUANT TO  
14       THIS SUBSECTION (2), THE CHIEF EXECUTIVE OFFICER OF THE LAW  
15       ENFORCEMENT AGENCY SHALL PREPARE A REPORT IN WRITING REGARDING  
16       THE USE OF THE UNMANNED AERIAL VEHICLE. THE LAW ENFORCEMENT  
17       AGENCY SHALL RETAIN THE REPORTS, AND THE REPORTS ARE PUBLIC  
18       RECORDS SUBJECT TO INSPECTION UNDER SECTION 24-72-203, C.R.S.

19           (3) A LAW ENFORCEMENT AGENCY MAY USE AN UNMANNED  
20        AERIAL VEHICLE FOR LAW ENFORCEMENT ACTIVITIES RELATED TO RISK OF  
21        A TERRORIST ATTACK IF THE UNITED STATES SECRETARY OF HOMELAND  
22        SECURITY OR COLORADO DIRECTOR OF THE DIVISION OF HOMELAND  
23        SECURITY AND EMERGENCY MANAGEMENT DETERMINES THAT CREDIBLE  
24        INTELLIGENCE INDICATES THAT THERE IS A HIGH RISK OF A TERRORIST  
25        ATTACK BY A SPECIFIC INDIVIDUAL OR ORGANIZATION.

26           (4) (a) PRIOR TO USING AN UNMANNED AERIAL VEHICLE, A LAW  
27        ENFORCEMENT AGENCY MUST RECEIVE A CERTIFICATE OF AUTHORIZATION

1 FROM THE FEDERAL AVIATION ADMINISTRATION FOR TRAINING AND  
2 PERFORMANCE EVALUATION AND SHALL NOT OPERATE THE UNMANNED  
3 AERIAL VEHICLE FOR LAW ENFORCEMENT PURPOSES UNTIL IT RECEIVES AN  
4 OPERATIONAL CERTIFICATE OF AUTHORIZATION FROM THE FEDERAL  
5 AVIATION ADMINISTRATION.

6 (b) A LAW ENFORCEMENT AGENCY SHALL NOT USE AN UNMANNED  
7 AERIAL VEHICLE THAT WEIGHS MORE THAN TWENTY-FIVE POUNDS.

8 (5) "UNMANNED AERIAL VEHICLE" MEANS AN AIRCRAFT WITH NO  
9 PILOT ON BOARD THAT FLIES VIA REMOTE CONTROL OR AUTONOMOUSLY  
10 THROUGH PRE-PROGRAMMED FLIGHT PLANS OR MORE COMPLEX DYNAMIC  
11 AUTOMATION SYSTEMS.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 41-6-102 as  
13 follows:

14 **41-6-102. Nongovernmental use of unmanned aerial vehicles.**

15 (1) A PRIVATE PERSON WHO USES AN UNMANNED AERIAL VEHICLE SHALL  
16 MEET THE EQUIPMENT REQUIREMENTS APPLICABLE TO THE CLASS OF  
17 AIRSPACE WITHIN WHICH THE UNMANNED AERIAL VEHICLE IS OPERATED.

18 (2) A PRIVATE PERSON WHO USES AN UNMANNED AERIAL VEHICLE  
19 FOR RECREATIONAL USE SHALL COMPLY WITH ALL INSTRUMENT FLIGHT  
20 RULES, INCLUDING BUT NOT LIMITED TO FLYING THE UNMANNED AERIAL  
21 VEHICLE WITHIN THE OPERATOR'S SIGHT, FOR NO FARTHER THAN THREE  
22 MILES, FOR NO MORE THAN FOUR HUNDRED FEET ABOVE THE GROUND,  
23 DURING DAYLIGHT, INSIDE UNCONTROLLED AIRSPACE, AND AT LEAST FIVE  
24 MILES FROM AN AIRPORT OR OTHER LOCATION WITH AVIATION ACTIVITIES.  
25 AN UNMANNED AERIAL VEHICLE THAT IS USED FOR RECREATIONAL  
26 PURPOSES SHALL NOT USE AUTONOMOUS OPERATIONS.

27 (3) IF A PERSON OR ENTITY WANTS TO USE AN UNMANNED AERIAL

1 VEHICLE FOR RECREATIONAL OR COMMERCIAL USE OR FOR UNMANNED  
2 AERIAL VEHICLE RESEARCH, THE PERSON MUST OBTAIN AN EXPERIMENTAL  
3 AIRWORTHINESS CERTIFICATE OR CERTIFICATE OF WAIVER OR  
4 AUTHORIZATION FROM THE FEDERAL AVIATION ADMINISTRATION.

5 (4) THE DEPARTMENT OF PUBLIC SAFETY MAY ACQUIRE AN  
6 EMERGENCY CERTIFICATE OF AUTHORIZATION FROM THE FEDERAL  
7 AVIATION ADMINISTRATION TO COORDINATE THE USE OF UNMANNED  
8 AERIAL VEHICLES TO RESPOND TO NATURAL DISASTERS.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,  
10 determines, and declares that this act is necessary for the immediate  
11 preservation of the public peace, health, and safety.