

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0645.01 Richard Sweetman x4333

HOUSE BILL 16-1020

HOUSE SPONSORSHIP

Rosenthal,

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING CERTAIN USES OF AN UNMANNED AIRCRAFT
102 SYSTEM.

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>.)

A person commits introducing contraband in the first degree if he or she knowingly and unlawfully operates any unmanned aircraft system (UAS) within 5 miles of a detention facility with the intent to introduce or attempt to introduce a dangerous instrument, alcohol or an alcoholic beverage, a controlled substance, or marijuana or marijuana concentrate into the detention facility.

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.

A person shall not operate a UAS:

- ! Within 5 miles of an airport unless the person is authorized by the airport's air traffic control tower;
- ! In a manner that interferes with the operation of manned aircraft;
- ! More than 400 feet above the earth's surface;
- ! In a manner that is prohibited by any federal law or rule;
- ! In violation of any temporary flight restriction (TFR) or notice to airmen (NOTAM) issued by the federal aviation administration (FAA); or
- ! In the airspace directly above any detention facility.

A person who violates any of these prohibitions commits a class 1 misdemeanor. These prohibitions do not apply to the operation of a public UAS operated in compliance with any current and enforceable authorization granted by the FAA.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-8-203, **amend** (1)
3 (b) and (3); **repeal** (4); and **add** (1) (c) as follows:

4 **18-8-203. Introducing contraband in the first degree -**
5 **definitions.** (1) A person commits introducing contraband in the first
6 degree if he or she knowingly and unlawfully:

7 (b) Being a person confined in a detention facility, makes any
8 dangerous instrument; controlled substance, AS DEFINED IN SECTION
9 18-18-102 (5); marijuana or marijuana concentrate, AS DEFINED IN
10 SECTION 27-80-203 (15) AND (16), C.R.S.; or alcohol OR ALCOHOLIC
11 BEVERAGE; OR

12 (c) OPERATES ANY UNMANNED AIRCRAFT SYSTEM WITHIN FIVE
13 MILES OF A DETENTION FACILITY WITH THE INTENT TO INTRODUCE OR
14 ATTEMPT TO INTRODUCE A DANGEROUS INSTRUMENT; ALCOHOL OR AN
15 ALCOHOLIC BEVERAGE; A CONTROLLED SUBSTANCE, AS DEFINED IN
16 SECTION 18-18-102 (5); OR MARIJUANA OR MARIJUANA CONCENTRATE, AS
17 DEFINED IN SECTION 27-80-203 (15) AND (16), C.R.S., INTO A DETENTION

1 FACILITY.

2 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
3 OTHERWISE:

4 (a) "DANGEROUS INSTRUMENT" MEANS A FIREARM, EXPLOSIVE
5 DEVICE OR SUBSTANCE (INCLUDING AMMUNITION), KNIFE OR SHARPENED
6 INSTRUMENT, POISON, ACID, BLUDGEON, OR PROJECTIVE DEVICE, OR ANY
7 OTHER DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE THAT IS READILY
8 CAPABLE OF CAUSING OR INDUCING FEAR OF DEATH OR BODILY INJURY,
9 THE USE OF WHICH IS NOT SPECIFICALLY AUTHORIZED.

10 (b) "Detention facility" means any building, structure, enclosure,
11 vehicle, institution, worksite, or place, whether permanent or temporary,
12 fixed or mobile, where persons are or may be lawfully held in custody or
13 confinement under the jurisdiction of the department of corrections or
14 under the authority of the United States, the state of Colorado, or any
15 political subdivision of the state of Colorado.

16 (c) "UNMANNED AIRCRAFT SYSTEM" MEANS AN AIRCRAFT THAT IS
17 OPERATED WITHOUT THE POSSIBILITY OF HUMAN INTERVENTION FROM
18 WITHIN OR ON THE AIRCRAFT; EXCEPT THAT "UNMANNED AIRCRAFT
19 SYSTEM" DOES NOT INCLUDE A MODEL AIRCRAFT, AS DEFINED IN SECTION
20 336 (c) OF PUB.L. 112-95, THE "FAA MODERNIZATION AND REFORM ACT
21 OF 2012".

22 (4) ~~"Dangerous instrument" as used in this section and in section~~
23 ~~18-8-204.1, means a firearm, explosive device or substance (including~~
24 ~~ammunition), knife or sharpened instrument, poison, acid, bludgeon, or~~
25 ~~projective device, or any other device, instrument, material, or substance~~
26 ~~which is readily capable of causing or inducing fear of death or bodily~~
27 ~~injury, the use of which is not specifically authorized.~~

1 TRAFFIC CONTROL TOWER OR OTHER AIR TRAFFIC CONTROL AUTHORITY;

2 (b) IN A MANNER THAT INTERFERES WITH THE OPERATION OF
3 MANNED AIRCRAFT;

4 (c) MORE THAN FOUR HUNDRED FEET ABOVE THE EARTH'S
5 SURFACE;

6 (d) IN A MANNER THAT IS PROHIBITED BY ANY FEDERAL LAW OR
7 RULE;

8 (e) IN VIOLATION OF ANY TEMPORARY FLIGHT RESTRICTION (TFR)
9 OR NOTICE TO AIRMEN (NOTAM) ISSUED BY THE FEDERAL AVIATION
10 ADMINISTRATION; OR

11 (f) IN THE AIRSPACE DIRECTLY ABOVE ANY DETENTION FACILITY.

12 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO THE
13 OPERATION OF A PUBLIC UNMANNED AIRCRAFT SYSTEM IN COMPLIANCE
14 WITH THE TERMS OF ANY CURRENT AND ENFORCEABLE AUTHORIZATION
15 GRANTED BY THE FEDERAL AVIATION ADMINISTRATION.

16 (3) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1)
17 OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR.

18 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
19 OTHERWISE:

20 (a) "DETENTION FACILITY" MEANS ANY BUILDING, STRUCTURE,
21 ENCLOSURE, VEHICLE, INSTITUTION, WORKSITE, OR PLACE, WHETHER
22 PERMANENT OR TEMPORARY, FIXED OR MOBILE, WHERE PERSONS ARE OR
23 MAY BE LAWFULLY HELD IN CUSTODY OR CONFINEMENT UNDER THE
24 JURISDICTION OF THE DEPARTMENT OF CORRECTIONS OR UNDER THE
25 AUTHORITY OF THE UNITED STATES, THE STATE OF COLORADO, OR ANY
26 POLITICAL SUBDIVISION OF THE STATE OF COLORADO.

27 (b) "PUBLIC UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED

1 AIRCRAFT SYSTEM THAT IS OPERATED BY A PUBLIC AGENCY FOR
2 GOVERNMENT-RELATED PURPOSES.

3 (c) "UNMANNED AIRCRAFT SYSTEM" MEANS AN AIRCRAFT THAT IS
4 OPERATED REMOTELY WITHOUT THE POSSIBILITY OF HUMAN
5 INTERVENTION FROM WITHIN THE AIRCRAFT; EXCEPT THAT "UNMANNED
6 AIRCRAFT SYSTEM" DOES NOT INCLUDE A MODEL AIRCRAFT, AS DEFINED
7 IN SECTION 336 (c) OF PUB.L. 112-95, THE "FAA MODERNIZATION AND
8 REFORM ACT OF 2012".

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2016 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.