

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

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

---

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.

- ! 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.

1           **SECTION 2.** In Colorado Revised Statutes, **add** 18-8-104.5 as  
2 follows:

3           **18-8-104.5. Obstructing a peace officer, firefighter, emergency**  
4 **medical service provider, rescue specialist, or volunteer with an**  
5 **unmanned aircraft system - safety requirements - exception -**

6 **definitions.** (1) A PERSON COMMITS OBSTRUCTING A PEACE OFFICER,  
7 FIREFIGHTER, EMERGENCY MEDICAL SERVICE PROVIDER, RESCUE  
8 SPECIALIST, OR VOLUNTEER WITH AN UNMANNED AIRCRAFT SYSTEM WHEN  
9 HE OR SHE OPERATES AN UNMANNED AIRCRAFT SYSTEM IN A MANNER  
10 THAT:

11           (a) VIOLATES ONE OR MORE OF THE SAFETY REQUIREMENTS  
12 DESCRIBED IN SUBSECTION (2) OF THIS SECTION; AND

13           (b) OBSTRUCTS, IMPAIRS, OR HINDERS:

14           (I) A PEACE OFFICER ACTING UNDER COLOR OF HIS OR HER  
15 OFFICIAL AUTHORITY;

16           (II) A FIREFIGHTER ACTING UNDER COLOR OF HIS OR HER OFFICIAL  
17 AUTHORITY;

18           (III) AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE  
19 SPECIALIST ACTING UNDER COLOR OF HIS OR HER OFFICIAL AUTHORITY; OR

20           (IV) THE ADMINISTRATION OF EMERGENCY CARE OR EMERGENCY  
21 ASSISTANCE BY A VOLUNTEER, ACTING IN GOOD FAITH TO RENDER SUCH  
22 CARE OR ASSISTANCE WITHOUT COMPENSATION AT THE PLACE OF AN  
23 EMERGENCY OR ACCIDENT.

24           (2) A PERSON WHO OPERATES AN UNMANNED AIRCRAFT SYSTEM:

25           (a) SHALL NOT INTERFERE WITH MANNED OR UNMANNED AIRCRAFT  
26 OPERATIONS INVOLVED IN PUBLIC SAFETY OPERATIONS; AND

27           (b) SHALL NOT INTERFERE WITH GROUND OPERATIONS INVOLVED

1 IN PUBLIC SAFETY.

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

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

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

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

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

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

26 (6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
27 OTHERWISE REQUIRES:

1 (a) "EMERGENCY MEDICAL SERVICE PROVIDER" MEANS A MEMBER  
2 OF A PUBLIC OR PRIVATE EMERGENCY MEDICAL SERVICE AGENCY,  
3 WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR  
4 SERVICES RENDERED AS SUCH EMERGENCY MEDICAL SERVICE PROVIDER.

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

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

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