

1 AN ACT relating to trespass upon key infrastructure assets.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 511.100 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Key infrastructure assets" means:

- 6 1. Any critical node of a system used in the production or generation of
- 7 electrical energy;
- 8 2. A petroleum refinery;
- 9 3. A rubber or hazardous chemical manufacturing facility;
- 10 4. A petroleum or hazardous chemical storage facility or terminal;
- 11 5. Natural gas processing, fractionation, stabilization, and compressor
- 12 station facilities, as well as above-ground natural gas or petroleum
- 13 pipelines and related facilities;
- 14 6. Railroad yards and railroad tunnel portals;
- 15 7. A drinking water collection, treatment, or storage facility;
- 16 8. A facility used for research, development, design, production, delivery,
- 17 or maintenance of military weapons systems, subsystems, and
- 18 components or parts to meet military requirements of the United States;
- 19 ~~for~~
- 20 9. A wireless communications facility, including the tower, antennae,
- 21 support structures and all associated ground-based equipment, and a
- 22 telecommunications central switching office;~~and~~
- 23 **10. A transmission facility used by a federally licensed radio or television**
- 24 **station;**
- 25 **11. A steelmaking facility that uses an electric arc furnace to make steel;**
- 26 **12. A facility identified and regulated by the United States Department of**
- 27 **Homeland Security Chemical Facility Anti-Terrorism Standards**

1 program; or

2 13. A dam that is regulated by the Commonwealth or federal government;

3 and

4 (b) "Unmanned aircraft system" means an aircraft that is operated without the
5 possibility of direct human interaction from within or on the aircraft and
6 includes everything that is on board or otherwise attached to the aircraft and
7 all associated elements, including communication links and the components
8 that control the small unmanned aircraft, that are required for the safe and
9 efficient operation of the unmanned aircraft in the national airspace system.

10 (2) ~~[(a)]~~ A person is guilty of trespass upon key infrastructure assets in the second
11 degree when: ~~[commits the offense of trespass upon key infrastructure assets~~
12 ~~if]~~

13 (a) He or she knowingly enters or remains unlawfully in or upon real property on
14 which key infrastructure assets are located~~[-];~~ or

15 ~~(b) [A person commits the offense of trespass upon key infrastructure assets if~~
16 ~~]He or she knowingly uses, or retains or authorizes a person to use, an~~
17 ~~unmanned aircraft system to fly above real property on which key~~
18 ~~infrastructure assets are located with the intent to cause harm or damage to or~~
19 ~~conduct surveillance of the key infrastructure asset without the prior consent~~
20 ~~of the owner, tenant, or lessee of the real property.~~

21 (3) Trespass upon key infrastructure assets in the second degree is a Class B
22 misdemeanor for the first offense, and a Class A misdemeanor for a second or
23 subsequent offense.

24 (4) A person is guilty of trespass upon key infrastructure assets in the first degree
25 when he or she intentionally damages, destroys, vandalizes, defaces, tampers with
26 equipment, or impedes or inhibits operations of a key infrastructure asset.

27 (5) Trespass upon key infrastructure assets in the first degree is a Class D felony.

1 **(6)** This section does not apply to:

2 (a) An unmanned aircraft system used by the federal government or by the
3 Commonwealth, or by a person acting pursuant to a contract with the federal
4 government or the Commonwealth;

5 (b) An unmanned aircraft system used by:

6 1. The owner of the real property or key infrastructure asset;

7 2. A person under a valid lease, servitude, right-of-way, right of use,
8 permit, license, or other right granted by the owner of the real property
9 or key infrastructure asset; or

10 3. A third party who is retained or authorized by a person specified in
11 subparagraph 1. or 2. of this paragraph;

12 (c) An unmanned aircraft system used by a law enforcement agency, emergency
13 medical service agency, hazardous material response team, disaster
14 management agency, or other emergency management agency for the purpose
15 of incident command, area reconnaissance, personnel and equipment
16 deployment monitoring, training, or a related purpose;

17 (d) Operation of an unmanned aircraft system by a person or entity for a
18 commercial purpose in compliance with applicable Federal Aviation
19 Administration authorization, regulations, or exemptions;

20 (e) A satellite orbiting the earth;

21 (f) An unmanned aircraft system used by an insurance company or a person
22 acting on behalf of an insurance company for purposes of underwriting an
23 insurance risk or investigating damage to insured property; or

24 (g) An unmanned aircraft system used strictly in accordance with an order of a
25 court of competent jurisdiction.

26 **(7)(a) A person who is convicted of trespass under this section may be held liable**
27 **for any damages to personal or real property while trespassing.**

1 **(b) A person or entity that compensates or remunerates a person for trespassing**
2 **as described in this section may also be held liable for any damages to**
3 **personal or real property committed by the person compensated or**
4 **remunerated for trespassing.**

5 ➔Section 2. The restrictions of KRS 6.945(1) shall not apply to Section 1 of this
6 Act.