

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0054.01 Richard Sweetman x4333

HOUSE BILL 15-1115

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRIVACY IN REGARD TO EMERGING TECHNOLOGIES.**

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 the crime of first degree criminal trespass if he or she is not a peace officer or other agent of a state or local government agency acting in his or her official capacity and he or she knowingly and intentionally uses an unmanned aerial vehicle (UAV) to observe, record, transmit, or capture images of another person when the other person has a reasonable expectation of privacy.

A person commits harassment if he or she is not a peace officer or other agent of a state or local government agency acting in his or her

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.

HOUSE
Amended 2nd Reading
April 17, 2015

official capacity and, with intent to harass, annoy, or alarm another person, he or she uses a UAV to track a person's movements in or about a public place without the person's authorization.

The bill amends existing law concerning the retention of passive surveillance records by government agencies to contemplate the retention of records that are obtained through the use of UAVs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-7-802 as
3 follows:

4 **18-7-802. Criminal invasion of privacy by use of a device -**
5 **penalty.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION,
6 CRIMINAL INVASION OF PRIVACY BY USE OF A DEVICE OCCURS WHEN A
7 PERSON KNOWINGLY AND INTENTIONALLY CAPTURES ANY PHOTOGRAPH,
8 SOUND RECORDING, OR OTHER PHYSICAL IMPRESSION OR DIGITAL IMAGE
9 OF ANOTHER PERSON, WITHOUT THAT PERSON'S CONSENT, IN A SITUATION
10 WHERE THAT PERSON HAS A REASONABLE EXPECTATION OF PRIVACY,
11 THROUGH THE USE OF ANY DEVICE REGARDLESS OF WHETHER THERE IS A
12 TRESPASS, IF THE PHOTOGRAPH, SOUND RECORDING, OR OTHER PHYSICAL
13 IMPRESSION OR DIGITAL IMAGE COULD NOT HAVE BEEN ACHIEVED
14 WITHOUT A TRESPASS UNLESS THE DEVICE OR ANOTHER DEVICE WAS USED.

15 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A PEACE
16 OFFICER OR AN EMPLOYEE OR OTHER AGENT OF A FEDERAL, STATE, OR
17 LOCAL GOVERNMENT AGENCY ACTING IN HIS OR HER OFFICIAL CAPACITY.

18 (3) CRIMINAL INVASION OF PRIVACY BY USE OF A DEVICE IS A
19 CLASS 3 MISDEMEANOR.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August

1 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.