

CHAPTER 61**(SB 157)**

AN ACT relating to drones.

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

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

- (1) As used in this section:
- (a) "Key infrastructure assets" means:
1. Any critical node of a system used in the production or generation of electrical energy;
 2. A petroleum refinery;
 3. A rubber or hazardous chemical manufacturing facility;
 4. A petroleum or hazardous chemical storage facility or terminal;
 5. Natural gas processing, fractionation, stabilization, and compressor station facilities, as well as above-ground pipelines and related facilities;
 6. Railroad yards and railroad tunnel portals;
 7. A drinking water collection, treatment, or storage facility;
 8. *Grounds or property of a state prison, juvenile justice facility, jail, or other facility for the detention of persons charged with or convicted of crimes;*
 9. A facility used for research, development, design, production, delivery, or maintenance of military weapons systems, subsystems, and components or parts to meet military requirements of the United States; or
 10. ~~9.~~A wireless communications facility, including the tower, antennae, support structures and all associated ground-based equipment, and a telecommunications central switching office; and
- (b) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- (2) (a) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly enters or remains unlawfully in or upon real property on which key infrastructure assets are located.
- (b) A person commits the offense of trespass upon key infrastructure assets if he or she knowingly uses, or retains or authorizes a person to use, an unmanned aircraft system to fly above real property on which key infrastructure assets are located with the intent to cause harm or damage to or conduct surveillance of the key infrastructure asset without the prior consent of the owner, tenant, or lessee of the real property.
- (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.
- (4) This section does not apply to:
- (a) An unmanned aircraft system used by the federal government or by the Commonwealth, or by a person acting pursuant to a contract with the federal government or the Commonwealth;
- (b) An unmanned aircraft system used by:
1. The owner of the real property or key infrastructure asset;
 2. A person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right granted by the owner of the real property or key infrastructure asset; or

3. A third party who is retained or authorized by a person specified in subparagraph 1. or 2. of this paragraph;
 - (c) An unmanned aircraft system used by a law enforcement agency, emergency medical service agency, hazardous material response team, disaster management agency, or other emergency management agency for the purpose of incident command, area reconnaissance, personnel and equipment deployment monitoring, training, or a related purpose;
 - (d) Operation of an unmanned aircraft system by a person or entity for a commercial purpose in compliance with applicable Federal Aviation Administration authorization, regulations, or exemptions;
 - (e) A satellite orbiting the earth;
 - (f) An unmanned aircraft system used by an insurance company or a person acting on behalf of an insurance company for purposes of underwriting an insurance risk or investigating damage to insured property; or
 - (g) An unmanned aircraft system used strictly in accordance with an order of a court of competent jurisdiction.

➔Section 2. KRS 520.010 is amended to read as follows:

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, departmental regulation, or posted institutional rule or order;
- (2) "Custody" means restraint by a public servant pursuant to a lawful arrest, detention, or an order of court for law enforcement purposes, but does not include supervision of probation or parole or constraint incidental to release on bail;
- (3) "Dangerous contraband" means contraband which is capable of use to endanger the safety or security of a detention facility or persons therein, including, but not limited to, dangerous instruments as defined in KRS 500.080; ~~any controlled substances;~~ ~~any quantity of an alcoholic beverage;~~ ~~and~~ ~~any quantity of marijuana;~~ ~~cell phones not authorized under KRS 441.111;~~ **drones, unmanned aircraft, or other remotely controlled vehicles; and any payload carried by those vehicles,** and saws, files, and similar metal cutting instruments;
- (4) "Detention facility" means any building and its premises used for the confinement of a person:
 - (a) Charged with or convicted of an offense;
 - (b) Alleged or found to be delinquent;
 - (c) Held for extradition or as a material witness; or
 - (d) Otherwise confined pursuant to an order of court for law enforcement purposes;
- (5) "Escape" means departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period; and
- (6) As used in this section and KRS 520.015, "penitentiary" includes any facility operated by the Department of Corrections and the confines of any work detail or other detail, whether under guard or not, under the custody and control of the Department of Corrections.

Signed by Governor March 25, 2019.