



Current Laws That May Be Applied To The Improper Use Of Unmanned Aircraft Systems

Colorado law currently provides civil remedies and criminal penalties that may be applied in response to the improper use of Unmanned Aircraft Systems (UAS). While federal safety regulation of UAS is appropriate, additional state laws and regulations related to property rights and privacy are unnecessary and could significantly harm a burgeoning segment of Colorado’s economy.

Current Civil Remedies

| <i>Tort</i> | <i>Law</i> | <i>Damages</i> |
|---|--|--|
| Invasion of Privacy/ Intrusion on Seclusion | One who intentionally intrudes, physically or otherwise, upon the solitude of another or his private affairs or concerns is liable to the other. <i>Doe v. High-Tech Institute, Inc.</i> , 972 P.2d 1060, 1066 (Colo.App.1998) | General damages for harm, including mental suffering, special damages, and nominal damages. <i>Doe</i> at 1066. |
| Invasion of Privacy - Appropriation of Name or Likeness | One who uses the plaintiff's name or likeness for their own benefit, and subsequently causes damages, is liable to the other. <i>Joe Dickerson & Assoc., LLC v. Dittmar</i> , 34 P.3d 995, 1002 (Colo.2001) | Personal or commercial damages. <i>Amazon Inc. v. Cannondale Corp.</i> , 2006 WL 650682 (D.Colo. 2006). |
| Publication of Private Facts | One who publicizes a matter concerning the private life of another is subject to liability if it is offensive and not of legitimate public concern. <i>Robert C. Ozer, P.C. v. Borquez</i> , 940 P.2d 371 (Colo. 1997) | Damages for mental suffering, any profits received. <i>Doe</i> at 1066. |
| Trespass | One is liable for trespass if he enters the land or possession of another, or causes a thing to do so; this also includes throwing, propelling, or placing a thing on or under the surface, or in the air above the surface. <i>Gerrity Oil & Gas Corp. v. Magness</i> , 946 P.2d 913, 933 (Colo. 1997); | Damages for reduction in value, cost to repair, possibly exemplary damages. <i>Evans v. Colorado Ute Elec. Ass'n</i> , 653 P.2d 63, 65 (Colo. Ct. App. 1982) |
| Nuisance | One is liable for nuisance if he creates an invasion that interferes with the use and enjoyment of another's property. <i>Public Service Corp. v. Van Wyk</i> , 27 P.3d 377, 394 (Colo. 2001); | Damages for reduction in value. <i>Zwick v. Simpson</i> , 193 Colo. 36, 572 P.2d 133 (1977) |



Current Criminal Penalties

| <i>Crime</i> | <i>Law</i> | <i>Penalty</i> |
|--|---|--|
| Invasion of Privacy for Sexual Gratification (C.R.S. § 18-3-405.6) | A person who observes or photographs another's intimate parts without consent where the person has a reasonable expectation of privacy for the observer's sexual gratification is guilty of invasion of privacy for sexual gratification. | Class 1 misdemeanor extraordinary risk crime (can be elevated to a felony if prior conviction): 6-18 months jail and or \$500-5,000 fine |
| Criminal Invasion of Privacy (C.R.S. § 18-7-801) | A person who observes or photographs another's intimate parts without consent where the person has a reasonable expectation of privacy is guilty of invasion of privacy . | Class 2 misdemeanor: 3-12 months jail, \$250-1,000 fine |
| Criminal Mischief (C.R.S. § 18-4-501) | A person is guilty of criminal mischief if he or she knowingly damages real or personal property of another. | Class 3 misdemeanor (up to 6 months county jail and/or \$50-750 fine) for damages less than \$300 - Class 2 felony when damages \$1 million or more (4-48 years in prison and/or \$5,000-1,000,000 fine) |
| Criminal Trespass (C.R.S. § 18-4-503, 504) | A person is guilty of unlawful trespass when he or she unlawfully enters or remains on the land of another. | Class 2 or 3 misdemeanor (up to 12 months in jail and/or \$250-1,000 fine), or class 1 petty offense (up to 6 months jail and/or fine up to \$500), but higher if land zoned for agriculture |

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