

1 AN ACT relating to key infrastructure asset.

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. Grounds or property of a state prison, juvenile justice facility, jail, or
17 other facility for the detention of persons charged with or convicted of
18 crimes;
- 19 9. A facility used for research, development, design, production, delivery,
20 or maintenance of military weapons systems, subsystems, and
21 components or parts to meet military requirements of the United States;
22 ~~or~~
- 23 10. A wireless communications facility, including the tower, antennae,
24 support structures and all associated ground-based equipment, and a
25 telecommunications central switching office;~~and~~
- 26 **11. A steelmaking facility that uses an electric arc furnace to make steel;**
- 27 **12. A cable television headend; or**

1 **13. A facility identified and regulated by the United States Department of**
2 **Homeland Security Chemical Facility Anti-Terrorism Standards**
3 **program; 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 commits the offense of trespass upon key infrastructure assets if he
11 or she knowingly enters or remains unlawfully in or upon real property on
12 which key infrastructure assets are located.
- 13 (b) A person commits the offense of trespass upon key infrastructure assets if he
14 or she knowingly uses, or retains or authorizes a person to use, an unmanned
15 aircraft system to fly above real property on which key infrastructure assets
16 are located with the intent to cause harm or damage to or conduct surveillance
17 of the key infrastructure asset without the prior consent of the owner, tenant,
18 or lessee of the real property.
- 19 (3) Trespass upon key infrastructure assets is a Class B misdemeanor for the first
20 offense, and a Class A misdemeanor for a second or subsequent offense.
- 21 (4) This section does not apply to:
- 22 (a) An unmanned aircraft system used by the federal government or by the
23 Commonwealth, or by a person acting pursuant to a contract with the federal
24 government or the Commonwealth;
- 25 (b) An unmanned aircraft system used by:
- 26 1. The owner of the real property or key infrastructure asset;
- 27 2. A person under a valid lease, servitude, right-of-way, right of use,

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

19 ➔Section 2. KRS 512.020 is amended to read as follows:

- 20 (1) A person is guilty of criminal mischief in the first degree when, having no right to
 21 do so or any reasonable ground to believe that he or she has such right, he or she
 22 intentionally or wantonly:
- 23 (a) Defaces, destroys, or damages any property causing pecuniary loss of \$1,000
 24 or more; or
- 25 (b) *Tampers with, impedes, or inhibits operations of a key infrastructure asset,*
 26 *as defined in Section 1 of this Act.*
- 27 (2) Criminal mischief in the first degree is a Class D felony.

1 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
2 READ AS FOLLOWS:

3 *A civil action may be maintained under this section against any person that knowingly*
4 *compensates or remunerates a person to violate Section 2 of this Act and the*
5 *compensated person is convicted of criminal mischief in the first degree. Liability shall*
6 *include actual damages to personal or real property caused by the crime and may*
7 *include punitive damages, court costs, and reasonable attorney fees.*