Form F7-2. Model State Statute: Peaceful Contact Zones

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Use. A state cannot regulate airspace or bind federal officers, but it can protect a contact site against everyone else. This model act lets a state agency certify peaceful contact zones on private land, forbids state and local officers to help seize craft or occupants in a zone, makes interference by private persons a crime, and gives hosts and participants a civil action. The anti-commandeering cases support the first of these provisions: the federal government may not require state officers to carry out a federal program. *Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. NCAA*, 584 U.S. 453 (2018).

When to use. State legislators and advocates in a state where a host plans a contact site. **Not for:** Federal legislation (Form F7-1).

Deadlines. None.

[STATE] LEGISLATURE
[YEAR] REGULAR SESSION

[HOUSE / SENATE] BILL NO. [____]

INTRODUCED BY [_____]

[Date of introduction] · Referred to the Committee on [_____]

AN ACT relating to peaceful contact zones; providing for the certification of zones; limiting the use of state resources to seize craft or non-human intelligences in a zone; and establishing an offense and a civil action for interference.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF [_____]:

SECTION 1. SHORT TITLE.

This act may be cited as the "[State] Peaceful Contact Zones Act."

SECTION 2. PURPOSE.

The purpose of this act is to protect places where persons may meet peacefully with non-human intelligences, to protect participants and visitors from interference by private persons, and to direct the conduct of the officers and agencies of this State, within the limits of the Constitution and laws of the United States.

SECTION 3. DEFINITIONS.

In this act:

(1) "Non-human intelligence" means any sentient intelligent non-human lifeform regardless of nature or ultimate origin.

(2) "Craft" means any vehicle, object, or device that is operated or occupied by, or reasonably believed to be associated with, a non-human intelligence.

(3) "Zone" means land certified as a peaceful contact zone under Section 4.

(4) "Host" means the owner or long-term lessee of a zone who applies for its certification.

(5) "Private person" means any person other than an officer, employee, or agent of the United States acting within the scope of federal authority.

(6) "State officer" means any officer, employee, or agent of this State or of any political subdivision of this State, including law enforcement officers.

SECTION 4. CERTIFICATION.

(a) The [Department of ___] shall certify land as a peaceful contact zone on application of a host that shows that:

(1) the host owns the land or holds a lease of it for not less than [10] years;

(2) the host has adopted and published a code of conduct that prohibits weapons, capture, the taking of samples or data without consent, and any negotiation on behalf of any government;

(3) the host maintains continuous observation and recording of the land, with records preserved for not less than [5] years;

(4) the host has given written notice of the zone to the Federal Aviation Administration and the United States Department of Defense; and

(5) the land is not within [__] miles of a military installation.

(b) The Department shall act on an application within [90] days. Certification lasts [5] years and may be renewed. The Department may revoke a certification after notice and hearing if the host ceases to meet the requirements of subsection (a).

(c) The Department shall publish a list of certified zones and their boundaries.

SECTION 5. CONDUCT OF STATE OFFICERS.

(a) No state officer shall use state resources, personnel, or facilities to locate, pursue, seize, disable, or detain a craft or non-human intelligence within a zone, or to assist any other person in doing so, except to the extent necessary to prevent an imminent threat of death or serious bodily injury to any person.

(b) No state officer shall share with any person non-public information about the location, activities, or participants of a zone for the purpose of enabling conduct described in subsection (a), unless required by a court order or by federal law that validly binds the State.

(c) Nothing in this section prohibits a state officer from responding to an emergency, enforcing the criminal laws of this State against private persons, or complying with federal law that validly binds the State.

SECTION 6. INTERFERENCE BY PRIVATE PERSONS.

(a) A private person commits the offense of interference with a peaceful contact zone if the person knowingly:

(1) enters a zone without the host's permission for the purpose of seizing, harming, or harassing a craft, a non-human intelligence, or any participant;

(2) uses force against, disables, or damages a craft within a zone or the airspace immediately above it; or

(3) seizes, detains, transports, or restrains a non-human intelligence within a zone, or removes one from a zone against its will.

(b) An offense under subsection (a)(1) is a [misdemeanor]. An offense under subsection (a)(2) or (3) is a [felony of the ___ degree].

(c) It is an affirmative defense that the person acted to prevent an imminent threat of death or serious bodily injury to any person.

(d) This section does not apply to an officer, employee, or agent of the United States acting within the scope of federal authority.

SECTION 7. CIVIL ACTION.

A host, or any person lawfully present in a zone, who is injured by a violation of Section 6 may bring a civil action against the violator for injunctive relief, actual damages, punitive damages where the violation was willful, and reasonable attorney's fees. A next friend may bring an action for injunctive relief on behalf of a non-human intelligence removed from a zone in violation of Section 6.

SECTION 8. HABEAS CORPUS.

Any person may apply on behalf of a non-human intelligence restrained in this State by a private person for a writ of habeas corpus under [cite the State's habeas statute], and the court shall not deny the application on the ground that the person restrained is not human without first holding a hearing on its capacities.

SECTION 9. RULES OF CONSTRUCTION.

Nothing in this act:

(1) regulates the navigable airspace or the operation of aircraft;

(2) applies to an officer, employee, or agent of the United States acting within the scope of federal authority;

(3) recognizes any government or confers diplomatic status or immunity on any person; or

(4) determines the legal status of any non-human intelligence for any purpose other than this act.

SECTION 10. SEVERABILITY.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application.

Drafting notes

- **Preemption.** Federal law occupies the field of airspace regulation (49 U.S.C. §40103). Section 9(1) and the definition of "zone" as land keep the act within state power. Do not add altitude limits or flight rules.
- **Federal officers.** Section 6(d) and Section 9(2) exclude federal officers acting within federal authority, which avoids Supremacy Clause immunity problems. A contractor acting beyond any federal requirement or authorization is a "private person" (Issue A1 §8, *Hencely*).
- **Information sharing.** Section 5(b) follows the model of state laws that limit cooperation with federal enforcement; check the state's own precedent and any federal statute that requires information sharing.
- **Habeas.** Section 8 complements Form F1-2 by removing the threshold objection that a non-human being cannot use the writ, without deciding its status.
- Related: Issue F7, F1, F2; Forms F7-1, F7-3, F1-2.