

AN ACT

relating to the operation of an unmanned aircraft over certain facilities or sports venues; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 423.0045, Government Code, is amended to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY.

SECTION 2. Section 423.0045(a), Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3) to read as follows:

(1) "Correctional facility" means:

(A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;

(B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

(1-a) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to

1 exclude intruders, or if clearly marked with a sign or signs that
2 are posted on the property, are reasonably likely to come to the
3 attention of intruders, and indicate that entry is forbidden:

4 (i) a petroleum or alumina refinery;

5 (ii) an electrical power generating
6 facility, substation, switching station, or electrical control
7 center;

8 (iii) a chemical, polymer, or rubber
9 manufacturing facility;

10 (iv) a water intake structure, water
11 treatment facility, wastewater treatment plant, or pump station;

12 (v) a natural gas compressor station;

13 (vi) a liquid natural gas terminal or
14 storage facility;

15 (vii) a telecommunications central
16 switching office;

17 (viii) a port, railroad switching yard,
18 trucking terminal, or other freight transportation facility;

19 (ix) a gas processing plant, including a
20 plant used in the processing, treatment, or fractionation of
21 natural gas;

22 (x) a transmission facility used by a
23 federally licensed radio or television station;

24 (xi) a steelmaking facility that uses an
25 electric arc furnace to make steel; or

26 (xii) a dam that is classified as a high
27 hazard by the Texas Commission on Environmental Quality; or

1 (B) any portion of an aboveground oil, gas, or
2 chemical pipeline that is enclosed by a fence or other physical
3 barrier that is obviously designed to exclude intruders.

4 (3) "Detention facility" means a facility operated by
5 or under contract with United States Immigration and Customs
6 Enforcement for the purpose of detaining aliens and placing them in
7 removal proceedings.

8 SECTION 3. Sections 423.0045(b), (c), and (d), Government
9 Code, are amended to read as follows:

10 (b) A person commits an offense if the person intentionally
11 or knowingly:

12 (1) operates an unmanned aircraft over a correctional
13 facility, detention facility, or critical infrastructure facility
14 and the unmanned aircraft is not higher than 400 feet above ground
15 level;

16 (2) allows an unmanned aircraft to make contact with a
17 correctional facility, detention facility, or critical
18 infrastructure facility, including any person or object on the
19 premises of or within the facility; or

20 (3) allows an unmanned aircraft to come within a
21 distance of a correctional facility, detention facility, or
22 critical infrastructure facility that is close enough to interfere
23 with the operations of or cause a disturbance to the facility.

24 (c) This section does not apply to:

25 (1) conduct described by Subsection (b) that involves
26 a correctional facility, detention facility, or critical
27 infrastructure facility and is committed by:

1 (A) [~~(1)~~] the federal government, the state, or a
2 governmental entity;

3 (B) [~~(2)~~] a person under contract with or
4 otherwise acting under the direction or on behalf of the federal
5 government, the state, or a governmental entity;

6 (C) [~~(3)~~] a law enforcement agency;

7 (D) [~~(4)~~] a person under contract with or
8 otherwise acting under the direction or on behalf of a law
9 enforcement agency; or

10 (E) an operator of an unmanned aircraft that is
11 being used for a commercial purpose, if the operation is conducted
12 in compliance with:

13 (i) each applicable Federal Aviation
14 Administration rule, restriction, or exemption; and

15 (ii) all required Federal Aviation
16 Administration authorizations; or

17 (2) conduct described by Subsection (b) that involves
18 a critical infrastructure facility and is committed by:

19 (A) [~~(5)~~] an owner or operator of the critical
20 infrastructure facility;

21 (B) [~~(6)~~] a person under contract with or
22 otherwise acting under the direction or on behalf of an owner or
23 operator of the critical infrastructure facility;

24 (C) [~~(7)~~] a person who has the prior written
25 consent of the owner or operator of the critical infrastructure
26 facility; or

27 (D) [~~(8)~~] the owner or occupant of the property

1 on which the critical infrastructure facility is located or a
2 person who has the prior written consent of the owner or occupant of
3 that property[~~or~~

4 ~~[(9) an operator of an unmanned aircraft that is being~~
5 ~~used for a commercial purpose, if the operator is authorized by the~~
6 ~~Federal Aviation Administration to conduct operations over that~~
7 ~~airspace].~~

8 (d) An offense under this section is a Class B misdemeanor,
9 except that the offense is a Class A misdemeanor if the actor has
10 previously been convicted under this section or Section 423.0046.

11 SECTION 4. Chapter 423, Government Code, is amended by
12 adding Section 423.0046 to read as follows:

13 Sec. 423.0046. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
14 SPORTS VENUE. (a) In this section, "sports venue" means an arena,
15 automobile racetrack, coliseum, stadium, or other type of area or
16 facility that:

17 (1) has a seating capacity of 30,000 or more people;
18 and

19 (2) is primarily used for one or more professional or
20 amateur sports or athletics events.

21 (b) A person commits an offense if the person intentionally
22 or knowingly operates an unmanned aircraft over a sports venue and
23 the unmanned aircraft is not higher than 400 feet above ground
24 level.

25 (c) This section does not apply to conduct described by
26 Subsection (b) that is committed by:

27 (1) the federal government, the state, or a

1 governmental entity;

2 (2) a person under contract with or otherwise acting
3 under the direction or on behalf of the federal government, the
4 state, or a governmental entity;

5 (3) a law enforcement agency;

6 (4) a person under contract with or otherwise acting
7 under the direction or on behalf of a law enforcement agency;

8 (5) an operator of an unmanned aircraft that is being
9 used for a commercial purpose, if the operation is conducted in
10 compliance with:

11 (A) each applicable Federal Aviation
12 Administration rule, restriction, or exemption; and

13 (B) all required Federal Aviation Administration
14 authorizations;

15 (6) an owner or operator of the sports venue;

16 (7) a person under contract with or otherwise acting
17 under the direction or on behalf of an owner or operator of the
18 sports venue; or

19 (8) a person who has the prior written consent of the
20 owner or operator of the sports venue.

21 (d) An offense under this section is a Class B misdemeanor,
22 except that the offense is a Class A misdemeanor if the actor has
23 previously been convicted under this section or Section [423.0045](#).

24 SECTION 5. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 SECTION 6. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1424 was passed by the House on April 28, 2017, by the following vote: Yeas 135, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1424 on May 27, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1424 on May 28, 2017, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 1424

I certify that H.B. No. 1424 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1424 on May 28, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor