

By: Murphy

H.B. No. 1424

A BILL TO BE ENTITLED

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; or

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

(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 exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the

1 attention of intruders, and indicate that entry is forbidden:

2 (i) a petroleum or alumina refinery;

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

6 (iii) a chemical, polymer, or rubber
7 manufacturing facility;

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

10 (v) a natural gas compressor station;

11 (vi) a liquid natural gas terminal or
12 storage facility;

13 (vii) a telecommunications central
14 switching office;

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

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

20 (x) a transmission facility used by a
21 federally licensed radio or television station;

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

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

26 (B) any portion of an aboveground oil, gas, or
27 chemical pipeline that is enclosed by a fence or other physical

1 barrier that is obviously designed to exclude intruders.

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

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

8 (b) A person commits an offense if the person intentionally
9 or knowingly:

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

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

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

22 (c) This section does not apply to:

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

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

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

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

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

8 (E) an operator of an unmanned aircraft that is
9 being used for a commercial purpose, if the operator is authorized
10 by the Federal Aviation Administration to conduct operations over
11 that airspace; or

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

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

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

19 (C) [~~(7)~~] a person who has the prior written
20 consent of the owner or operator of the critical infrastructure
21 facility; or

22 (D) [~~(8)~~] the owner or occupant of the property
23 on which the critical infrastructure facility is located or a
24 person who has the prior written consent of the owner or occupant of
25 that property [~~, or~~

26 ~~[(9) an operator of an unmanned aircraft that is being~~
27 ~~used for a commercial purpose, if the operator is authorized by the~~

1 ~~Federal Aviation Administration to conduct operations over that~~
2 ~~airspace].~~

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

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

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

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

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

16 (b) A person commits an offense if the person operates an
17 unmanned aircraft over a sports venue and the unmanned aircraft is
18 not higher than 400 feet above ground level.

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

21 (1) the federal government, the state, or a
22 governmental entity;

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

26 (3) a law enforcement agency;

27 (4) a person under contract with or otherwise acting

1 under the direction or on behalf of a law enforcement agency;

2 (5) an operator of an unmanned aircraft that is being
3 used for a commercial purpose, if the operator is authorized by the
4 Federal Aviation Administration to conduct operations over the
5 airspace;

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

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

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

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

15 SECTION 5. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense occurred
22 before that date.

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