

1-1 By: Murphy, Workman (Senate Sponsor - Birdwell) H.B. No. 1424
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the operation of an unmanned aircraft over certain
 1-20 facilities or sports venues; creating a criminal offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section [423.0045](#), Government
 1-23 Code, is amended to read as follows:

1-24 Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
 1-25 CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL
 1-26 INFRASTRUCTURE FACILITY.

1-27 SECTION 2. Section [423.0045](#)(a), Government Code, is amended
 1-28 by amending Subdivision (1) and adding Subdivisions (1-a) and (3)
 1-29 to read as follows:

1-30 (1) "Correctional facility" means:

1-31 (A) a confinement facility operated by or under
 1-32 contract with any division of the Texas Department of Criminal
 1-33 Justice;

1-34 (B) a municipal or county jail;

1-35 (C) a confinement facility operated by or under
 1-36 contract with the Federal Bureau of Prisons; or

1-37 (D) a secure correctional facility or secure
 1-38 detention facility, as defined by Section [51.02](#), Family Code.

1-39 (1-a) "Critical infrastructure facility" means:

1-40 (A) one of the following, if completely enclosed
 1-41 by a fence or other physical barrier that is obviously designed to
 1-42 exclude intruders, or if clearly marked with a sign or signs that
 1-43 are posted on the property, are reasonably likely to come to the
 1-44 attention of intruders, and indicate that entry is forbidden:

1-45 (i) a petroleum or alumina refinery;

1-46 (ii) an electrical power generating
 1-47 facility, substation, switching station, or electrical control
 1-48 center;

1-49 (iii) a chemical, polymer, or rubber
 1-50 manufacturing facility;

1-51 (iv) a water intake structure, water
 1-52 treatment facility, wastewater treatment plant, or pump station;

1-53 (v) a natural gas compressor station;

1-54 (vi) a liquid natural gas terminal or
 1-55 storage facility;

1-56 (vii) a telecommunications central
 1-57 switching office;

1-58 (viii) a port, railroad switching yard,
 1-59 trucking terminal, or other freight transportation facility;

1-60 (ix) a gas processing plant, including a
 1-61 plant used in the processing, treatment, or fractionation of

2-1 natural gas;
 2-2 (x) a transmission facility used by a
 2-3 federally licensed radio or television station;
 2-4 (xi) a steelmaking facility that uses an
 2-5 electric arc furnace to make steel; or
 2-6 (xii) a dam that is classified as a high
 2-7 hazard by the Texas Commission on Environmental Quality; or
 2-8 (B) any portion of an aboveground oil, gas, or
 2-9 chemical pipeline that is enclosed by a fence or other physical
 2-10 barrier that is obviously designed to exclude intruders.
 2-11 (3) "Detention facility" means a facility operated by
 2-12 or under contract with United States Immigration and Customs
 2-13 Enforcement for the purpose of detaining aliens and placing them in
 2-14 removal proceedings.

2-15 SECTION 3. Sections 423.0045(b), (c), and (d), Government
 2-16 Code, are amended to read as follows:

2-17 (b) A person commits an offense if the person intentionally
 2-18 or knowingly:

2-19 (1) operates an unmanned aircraft over a correctional
 2-20 facility, detention facility, or critical infrastructure facility
 2-21 and the unmanned aircraft is not higher than 400 feet above ground
 2-22 level;

2-23 (2) allows an unmanned aircraft to make contact with a
 2-24 correctional facility, detention facility, or critical
 2-25 infrastructure facility, including any person or object on the
 2-26 premises of or within the facility; or

2-27 (3) allows an unmanned aircraft to come within a
 2-28 distance of a correctional facility, detention facility, or
 2-29 critical infrastructure facility that is close enough to interfere
 2-30 with the operations of or cause a disturbance to the facility.

2-31 (c) This section does not apply to:

2-32 (1) conduct described by Subsection (b) that involves
 2-33 a correctional facility, detention facility, or critical
 2-34 infrastructure facility and is committed by:

2-35 (A) ~~[(1)]~~ the federal government, the state, or a
 2-36 governmental entity;

2-37 (B) ~~[(2)]~~ a person under contract with or
 2-38 otherwise acting under the direction or on behalf of the federal
 2-39 government, the state, or a governmental entity;

2-40 (C) ~~[(3)]~~ a law enforcement agency;

2-41 (D) ~~[(4)]~~ a person under contract with or
 2-42 otherwise acting under the direction or on behalf of a law
 2-43 enforcement agency; or

2-44 (E) an operator of an unmanned aircraft that is
 2-45 being used for a commercial purpose, if the operation is conducted
 2-46 in compliance with:

2-47 (i) each applicable Federal Aviation
 2-48 Administration rule, restriction, or exemption; and

2-49 (ii) all required Federal Aviation
 2-50 Administration authorizations; or

2-51 (2) conduct described by Subsection (b) that involves
 2-52 a critical infrastructure facility and is committed by:

2-53 (A) ~~[(5)]~~ an owner or operator of the critical
 2-54 infrastructure facility;

2-55 (B) ~~[(6)]~~ a person under contract with or
 2-56 otherwise acting under the direction or on behalf of an owner or
 2-57 operator of the critical infrastructure facility;

2-58 (C) ~~[(7)]~~ a person who has the prior written
 2-59 consent of the owner or operator of the critical infrastructure
 2-60 facility; or

2-61 (D) ~~[(8)]~~ the owner or occupant of the property
 2-62 on which the critical infrastructure facility is located or a
 2-63 person who has the prior written consent of the owner or occupant of
 2-64 that property~~, or~~

2-65 ~~[(9) an operator of an unmanned aircraft that is being~~
 2-66 ~~used for a commercial purpose, if the operator is authorized by the~~
 2-67 ~~Federal Aviation Administration to conduct operations over that~~
 2-68 ~~airspace].~~

2-69 (d) An offense under this section is a Class B misdemeanor,

3-1 except that the offense is a Class A misdemeanor if the actor has
3-2 previously been convicted under this section or Section 423.0046.

3-3 SECTION 4. Chapter 423, Government Code, is amended by
3-4 adding Section 423.0046 to read as follows:

3-5 Sec. 423.0046. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
3-6 SPORTS VENUE. (a) In this section, "sports venue" means an arena,
3-7 automobile racetrack, coliseum, stadium, or other type of area or
3-8 facility that:

3-9 (1) has a seating capacity of 30,000 or more people;
3-10 and

3-11 (2) is primarily used for one or more professional or
3-12 amateur sports or athletics events.

3-13 (b) A person commits an offense if the person operates an
3-14 unmanned aircraft over a sports venue and the unmanned aircraft is
3-15 not higher than 400 feet above ground level.

3-16 (c) This section does not apply to conduct described by
3-17 Subsection (b) that is committed by:

3-18 (1) the federal government, the state, or a
3-19 governmental entity;

3-20 (2) a person under contract with or otherwise acting
3-21 under the direction or on behalf of the federal government, the
3-22 state, or a governmental entity;

3-23 (3) a law enforcement agency;

3-24 (4) a person under contract with or otherwise acting
3-25 under the direction or on behalf of a law enforcement agency;

3-26 (5) an operator of an unmanned aircraft that is being
3-27 used for a commercial purpose, if the operation is conducted in
3-28 compliance with:

3-29 (A) each applicable Federal Aviation
3-30 Administration rule, restriction, or exemption; and

3-31 (B) all required Federal Aviation Administration
3-32 authorizations;

3-33 (6) an owner or operator of the sports venue;

3-34 (7) a person under contract with or otherwise acting
3-35 under the direction or on behalf of an owner or operator of the
3-36 sports venue; or

3-37 (8) a person who has the prior written consent of the
3-38 owner or operator of the sports venue.

3-39 (d) An offense under this section is a Class B misdemeanor,
3-40 except that the offense is a Class A misdemeanor if the actor has
3-41 previously been convicted under this section or Section 423.0045.

3-42 SECTION 5. The change in law made by this Act applies only
3-43 to an offense committed on or after the effective date of this Act.
3-44 An offense committed before the effective date of this Act is
3-45 governed by the law in effect on the date the offense was committed,
3-46 and the former law is continued in effect for that purpose. For
3-47 purposes of this section, an offense was committed before the
3-48 effective date of this Act if any element of the offense occurred
3-49 before that date.

3-50 SECTION 6. This Act takes effect September 1, 2017.

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