

1-1 By: Campbell S.B. No. 395  
 1-2 (In the Senate - Filed December 21, 2016; February 1, 2017,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 23, 2017, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 0; March 23, 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 prosecution of the offense of operation of unmanned  
 1-20 aircraft over correctional facility or critical infrastructure  
 1-21 facility.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 423.0045, Government  
 1-24 Code, is amended to read as follows:

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

1-27 SECTION 2. Section 423.0045(a), Government Code, is amended  
 1-28 by amending Subdivision (1) and adding Subdivision (1-a) to read as  
 1-29 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; or

1-35 (C) a secure correctional facility or secure  
 1-36 detention facility, as defined by Section 51.02, Family Code.

1-37 (1-a) "Critical infrastructure facility" means:

1-38 (A) one of the following, if completely enclosed  
 1-39 by a fence or other physical barrier that is obviously designed to  
 1-40 exclude intruders, or if clearly marked with a sign or signs that  
 1-41 are posted on the property, are reasonably likely to come to the  
 1-42 attention of intruders, and indicate that entry is forbidden:

1-43 (i) a petroleum or alumina refinery;

1-44 (ii) an electrical power generating  
 1-45 facility, substation, switching station, or electrical control  
 1-46 center;

1-47 (iii) a chemical, polymer, or rubber  
 1-48 manufacturing facility;

1-49 (iv) a water intake structure, water  
 1-50 treatment facility, wastewater treatment plant, or pump station;

1-51 (v) a natural gas compressor station;

1-52 (vi) a liquid natural gas terminal or  
 1-53 storage facility;

1-54 (vii) a telecommunications central  
 1-55 switching office;

1-56 (viii) a port, railroad switching yard,  
 1-57 trucking terminal, or other freight transportation facility;

1-58 (ix) a gas processing plant, including a  
 1-59 plant used in the processing, treatment, or fractionation of  
 1-60 natural gas;

1-61 (x) a transmission facility used by a

2-1 federally licensed radio or television station;

2-2 (xi) a steelmaking facility that uses an  
2-3 electric arc furnace to make steel; or

2-4 (xii) a dam that is classified as a high  
2-5 hazard by the Texas Commission on Environmental Quality; or

2-6 (B) any portion of an aboveground oil, gas, or  
2-7 chemical pipeline that is enclosed by a fence or other physical  
2-8 barrier that is obviously designed to exclude intruders.

2-9 SECTION 3. Sections 423.0045(b) and (c), Government Code,  
2-10 are amended to read as follows:

2-11 (b) A person commits an offense if the person intentionally  
2-12 or knowingly:

2-13 (1) operates an unmanned aircraft over a correctional  
2-14 facility or critical infrastructure facility and the unmanned  
2-15 aircraft is not higher than 400 feet above ground level;

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

2-20 (3) allows an unmanned aircraft to come within a  
2-21 distance of a correctional facility or critical infrastructure  
2-22 facility that is close enough to interfere with the operations of or  
2-23 cause a disturbance to the facility.

2-24 (c) This section does not apply to:

2-25 (1) conduct described by Subsection (b) that involves  
2-26 a correctional facility or critical infrastructure facility and  
2-27 [that] is committed by:

2-28 (A) ~~[(1)]~~ the federal government, the state, or a  
2-29 governmental entity;

2-30 (B) ~~[(2)]~~ a person under contract with or  
2-31 otherwise acting under the direction or on behalf of the federal  
2-32 government, the state, or a governmental entity;

2-33 (C) ~~[(3)]~~ a law enforcement agency;

2-34 (D) ~~[(4)]~~ a person under contract with or  
2-35 otherwise acting under the direction or on behalf of a law  
2-36 enforcement agency; or

2-37 (E) an operator of an unmanned aircraft that is  
2-38 being used for a commercial purpose, if the operator is authorized  
2-39 by the Federal Aviation Administration to conduct operations over  
2-40 that airspace; or

2-41 (2) conduct described by Subsection (b) that involves  
2-42 a critical infrastructure facility and is committed by:

2-43 (A) ~~[(5)]~~ an owner or operator of the critical  
2-44 infrastructure facility;

2-45 (B) ~~[(6)]~~ a person under contract with or  
2-46 otherwise acting under the direction or on behalf of an owner or  
2-47 operator of the critical infrastructure facility;

2-48 (C) ~~[(7)]~~ a person who has the prior written  
2-49 consent of the owner or operator of the critical infrastructure  
2-50 facility; or

2-51 (D) ~~[(8)]~~ the owner or occupant of the property  
2-52 on which the critical infrastructure facility is located or a  
2-53 person who has the prior written consent of the owner or occupant of  
2-54 that property ~~[, or~~

2-55 ~~[(9) an operator of an unmanned aircraft that is being~~  
2-56 ~~used for a commercial purpose, if the operator is authorized by the~~  
2-57 ~~Federal Aviation Administration to conduct operations over that~~  
2-58 ~~airspace].~~

2-59 SECTION 4. The change in law made by this Act applies only  
2-60 to an offense committed on or after the effective date of this Act.  
2-61 An offense committed before the effective date of this Act is  
2-62 governed by the law in effect on the date the offense was committed,  
2-63 and the former law is continued in effect for that purpose. For  
2-64 purposes of this section, an offense was committed before the  
2-65 effective date of this Act if any element of the offense occurred  
2-66 before that date.

2-67 SECTION 5. This Act takes effect September 1, 2017.

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