

1-1 By: Paxton S.B. No. 423
 1-2 (In the Senate - Filed January 12, 2023; February 15, 2023,
 1-3 read first time and referred to Committee on Border Security;
 1-4 March 29, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; March 29, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 423 By: Flores

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the use of unmanned aircraft by the Texas military
 1-18 forces.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 423.002(a), Government Code, is amended
 1-21 to read as follows:

1-22 (a) It is lawful to capture an image using an unmanned
 1-23 aircraft in this state:

1-24 (1) for the purpose of professional or scholarly
 1-25 research and development or for another academic purpose by a
 1-26 person acting on behalf of an institution of higher education or a
 1-27 private or independent institution of higher education, as those
 1-28 terms are defined by Section 61.003, Education Code, including a
 1-29 person who:

1-30 (A) is a professor, employee, or student of the
 1-31 institution; or

1-32 (B) is under contract with or otherwise acting
 1-33 under the direction or on behalf of the institution;

1-34 (2) in airspace designated as a test site or range
 1-35 authorized by the Federal Aviation Administration for the purpose
 1-36 of integrating unmanned aircraft systems into the national
 1-37 airspace;

1-38 (3) as part of an operation, exercise, or mission of
 1-39 any branch of the United States military;

1-40 (4) if the image is captured by a satellite for the
 1-41 purposes of mapping;

1-42 (5) if the image is captured by or for an electric or
 1-43 natural gas utility or a telecommunications provider:

1-44 (A) for operations and maintenance of utility or
 1-45 telecommunications facilities for the purpose of maintaining
 1-46 utility or telecommunications system reliability and integrity;

1-47 (B) for inspecting utility or telecommunications
 1-48 facilities to determine repair, maintenance, or replacement needs
 1-49 during and after construction of such facilities;

1-50 (C) for assessing vegetation growth for the
 1-51 purpose of maintaining clearances on utility or telecommunications
 1-52 easements; and

1-53 (D) for utility or telecommunications facility
 1-54 routing and siting for the purpose of providing utility or
 1-55 telecommunications service;

1-56 (6) with the consent of the individual who owns or
 1-57 lawfully occupies the real property captured in the image;

1-58 (7) pursuant to a valid search or arrest warrant;

1-59 (8) if the image is captured by a law enforcement
 1-60 authority or a person who is under contract with or otherwise acting
 1-61 under the direction or on behalf of a law enforcement authority;

2-1 (A) in immediate pursuit of a person law
2-2 enforcement officers have reasonable suspicion or probable cause to
2-3 suspect has committed an offense, not including misdemeanors or
2-4 offenses punishable by a fine only;

2-5 (B) for the purpose of documenting a crime scene
2-6 where an offense, not including misdemeanors or offenses punishable
2-7 by a fine only, has been committed;

2-8 (C) for the purpose of investigating the scene
2-9 of:

2-10 (i) a human fatality;
2-11 (ii) a motor vehicle accident causing death
2-12 or serious bodily injury to a person; or
2-13 (iii) any motor vehicle accident on a state
2-14 highway or federal interstate or highway;

2-15 (D) in connection with the search for a missing
2-16 person;

2-17 (E) for the purpose of conducting a high-risk
2-18 tactical operation that poses a threat to human life;

2-19 (F) of private property that is generally open to
2-20 the public where the property owner consents to law enforcement
2-21 public safety responsibilities; or

2-22 (G) of real property or a person on real property
2-23 that is within 25 miles of the United States border for the sole
2-24 purpose of ensuring border security;

2-25 (9) if the image is captured by state or local law
2-26 enforcement authorities, or a person who is under contract with or
2-27 otherwise acting under the direction or on behalf of state
2-28 authorities, for the purpose of:

2-29 (A) surveying the scene of a catastrophe or other
2-30 damage to determine whether a state of emergency should be
2-31 declared;

2-32 (B) preserving public safety, protecting
2-33 property, or surveying damage or contamination during a lawfully
2-34 declared state of emergency; or

2-35 (C) conducting routine air quality sampling and
2-36 monitoring, as provided by state or local law;

2-37 (10) at the scene of a spill, or a suspected spill, of
2-38 hazardous materials;

2-39 (11) for the purpose of fire suppression;

2-40 (12) for the purpose of rescuing a person whose life or
2-41 well-being is in imminent danger;

2-42 (13) if the image is captured by a Texas licensed real
2-43 estate broker in connection with the marketing, sale, or financing
2-44 of real property, provided that no individual is identifiable in
2-45 the image;

2-46 (14) from a height no more than eight feet above ground
2-47 level in a public place, if the image was captured without using any
2-48 electronic, mechanical, or other means to amplify the image beyond
2-49 normal human perception;

2-50 (15) of public real property or a person on that
2-51 property;

2-52 (16) if the image is captured by the owner or operator
2-53 of an oil, gas, water, or other pipeline for the purpose of
2-54 inspecting, maintaining, or repairing pipelines or other related
2-55 facilities, and is captured without the intent to conduct
2-56 surveillance on an individual or real property located in this
2-57 state;

2-58 (17) in connection with oil pipeline safety and rig
2-59 protection;

2-60 (18) in connection with port authority surveillance
2-61 and security;

2-62 (19) if the image is captured by a registered
2-63 professional land surveyor in connection with the practice of
2-64 professional surveying, as those terms are defined by Section
2-65 [1071.002](#), Occupations Code, provided that no individual is
2-66 identifiable in the image;

2-67 (20) if the image is captured by a professional
2-68 engineer licensed under Subchapter G, Chapter [1001](#), Occupations
2-69 Code, in connection with the practice of engineering, as defined by

3-1 Section 1001.003, Occupations Code, provided that no individual is
3-2 identifiable in the image; [~~or~~]

3-3 (21) if:

3-4 (A) the image is captured by an employee of an
3-5 insurance company or of an affiliate of the company in connection
3-6 with the underwriting of an insurance policy, or the rating or
3-7 adjusting of an insurance claim, regarding real property or a
3-8 structure on real property; and

3-9 (B) the operator of the unmanned aircraft is
3-10 authorized by the Federal Aviation Administration to conduct
3-11 operations within the airspace from which the image is captured; or

3-12 (22) if the image is captured by the Texas military
3-13 forces, as defined by Section 437.001, pursuant to an active duty
3-14 operation, exercise, or mission and:

3-15 (A) the image is of real property or a person on
3-16 real property that is within 25 miles of the United States border
3-17 and the image was captured for the sole purpose of ensuring border
3-18 security; or

3-19 (B) the image is captured during a lawfully
3-20 declared state of emergency and in connection with:

3-21 (i) the search for a missing person; or

3-22 (ii) a professional engineering operation.

3-23 SECTION 2. This Act takes effect immediately if it receives
3-24 a vote of two-thirds of all the members elected to each house, as
3-25 provided by Section 39, Article III, Texas Constitution. If this
3-26 Act does not receive the vote necessary for immediate effect, this
3-27 Act takes effect September 1, 2023.

3-28 * * * * *