

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gooden, Riddle, Burnam, Fallon,  
Stickland, et al.

H.B. No. 912

A BILL TO BE ENTITLED

1 AN ACT

2 relating to images captured by unmanned vehicles and unmanned  
3 aircraft; providing penalties.

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

5 SECTION 1. This Act shall be known as the Texas Privacy Act.

6 SECTION 2. Subtitle B, Title 4, Government Code, is amended  
7 by adding Chapter 423 to read as follows:

8 CHAPTER 423. USE OF UNMANNED VEHICLES AND UNMANNED AIRCRAFT

9 Sec. 423.001. DEFINITION. In this chapter, "image" means  
10 any capturing of sound waves, thermal, infrared, ultraviolet,  
11 visible light, or other electromagnetic waves, odor, or other  
12 conditions existing on or about real property in this state or an  
13 individual located on that property.

14 Sec. 423.002. NONAPPLICABILITY. This chapter does not  
15 apply to an image of real property or an individual on real property  
16 located in this state that is captured by an unmanned vehicle or  
17 unmanned aircraft operated in this state:

18 (1) for purposes of professional or scholarly research  
19 and development by a person acting on behalf of an institution of  
20 higher education, as defined by Section 61.003, Education Code,  
21 including a person who:

22 (A) is a professor, employee, or student of the  
23 institution; or

24 (B) is under contract with or otherwise acting

1 under the direction or on behalf of the institution;

2 (2) in airspace designated as a test site or range  
3 authorized by the Federal Aviation Administration for the purpose  
4 of integrating unmanned aircraft systems into the national  
5 airspace;

6 (3) as part of an operation, exercise, or mission of  
7 any branch of the United States military;

8 (4) if the image is taken by a satellite for the  
9 purpose of mapping;

10 (5) by a manufacturer or distributor of the unmanned  
11 vehicle or unmanned aircraft in connection with the development,  
12 manufacture, testing, or research of the vehicle or the aircraft;

13 (6) by a manufacturer or distributor incidental to the  
14 activities authorized under Subdivision (5) and the manufacturer or  
15 distributor discloses the image voluntarily to law enforcement  
16 because the manufacturer or distributor reasonably believes the  
17 image shows the commission of an offense; or

18 (7) by or for an electric or natural gas utility:

19 (A) for operations and maintenance of utility  
20 facilities for the purpose of maintaining utility system  
21 reliability and integrity;

22 (B) for inspecting utility facilities to  
23 determine repair, maintenance, or replacement needs during and  
24 after construction of such facilities;

25 (C) for assessing vegetation growth for the  
26 purpose of maintaining clearances on utility easements; and

27 (D) for utility facility routing and siting for

1 the purpose of providing utility service.

2 Sec. 423.003. OFFENSE: ILLEGAL USE OF UNMANNED VEHICLE OR  
3 UNMANNED AIRCRAFT TO CAPTURE IMAGE. (a) A person commits an  
4 offense if the person uses an unmanned vehicle or unmanned aircraft  
5 to capture an image of:

6 (1) an individual or privately owned real property in  
7 this state with the intent to conduct surveillance on the  
8 individual or property captured in the image; or

9 (2) real property in this state, on which a primary or  
10 secondary school or a licensed child-care facility is operated or  
11 an individual located on that property, with the intent to conduct  
12 surveillance.

13 (b) An offense under this section is a Class C misdemeanor.

14 (c) It is an exception to the application of this section  
15 that the image was captured:

16 (1) with the consent of the individual captured in the  
17 image and the individual who owns or lawfully occupies the real  
18 property captured in the image;

19 (2) pursuant to a valid search or arrest warrant;

20 (3) by a law enforcement authority or a person who is  
21 under contract with or otherwise acting under the direction or on  
22 behalf of a law enforcement authority:

23 (A) in immediate pursuit of a person law  
24 enforcement officers have probable cause to suspect has committed a  
25 felony;

26 (B) for the purpose of documenting a crime scene  
27 where a felony has been committed;

1                   (C) for the purpose of investigating the scene of  
2 a human fatality or suspected human fatality;

3                   (D) in connection with the search for a missing  
4 person; or

5                   (E) for the purpose of resolving a hostage  
6 situation;

7                   (4) by state or local law enforcement authorities, or  
8 a person who is under contract with or otherwise acting under the  
9 direction or on behalf of state authorities, for the purpose of:

10                   (A) surveying the scene of a catastrophe or other  
11 damage to determine whether a state of emergency should be  
12 declared;

13                   (B) preserving public safety, protecting  
14 property, or surveying damage or contamination during a lawfully  
15 declared state of emergency; or

16                   (C) conducting routine air quality sampling and  
17 monitoring;

18                   (5) at the scene of a spill, or a suspected spill, of  
19 hazardous materials;

20                   (6) for the purpose of fire suppression;

21                   (7) for the purpose of rescuing a person whose life or  
22 well-being is in imminent danger;

23                   (8) by a Texas licensed real estate broker in  
24 connection with the marketing, sale, or financing of real property,  
25 provided that no individual is identifiable in the image;

26                   (9) of real property or a person on real property that  
27 is within 25 miles of the United States border;

1           (10) from a height no more than eight feet above ground  
2 level in a public place, if the image was captured without using any  
3 electronic, mechanical, or other means to amplify the image beyond  
4 normal human perception;

5           (11) of public real property or a person on that  
6 property;

7           (12) by an electric or telecommunication utility  
8 provider regulated by the Public Utility Commission of Texas:

9                   (A) for the purpose of performing and reporting  
10 the results of the annual inspection of transmission lines and  
11 other facilities as required by the commission, if the images are  
12 captured without the intent to conduct surveillance on an  
13 individual or real property located in this state; or

14                   (B) for the purpose of maintaining or repairing  
15 transmission lines or other facilities, if the images are captured  
16 without the intent to conduct surveillance on an individual or real  
17 property located in this state;

18           (13) by the owner or operator of an oil, gas, water, or  
19 other pipeline for the purpose of maintaining or repairing  
20 pipelines or other transmission facilities, if the images are  
21 captured without the intent to conduct surveillance on an  
22 individual or real property located in this state;

23           (14) by a satellite for the purpose of mapping,  
24 provided that the images are not captured with the intent to conduct  
25 surveillance of an individual or real property located in this  
26 state;

27           (15) in connection with oil pipeline safety and rig

1 protection;

2 (16) in connection with port authority surveillance  
3 and security;

4 (17) in connection with cattle ranching or agriculture  
5 and wildlife management;

6 (18) in connection with oil and gas exploration;

7 (19) for the purpose of water supply safety;

8 (20) for the purpose of surveying land;

9 (21) for the purpose of agriculture and farming  
10 safety; or

11 (22) in connection with an air show or related event.

12 (d) It is a defense to prosecution under this section that  
13 the person destroyed the image:

14 (1) as soon as the person had knowledge that the image  
15 was captured in violation of this section; and

16 (2) without disclosing, displaying, or distributing  
17 the image to a third party.

18 (e) This chapter does not apply to the manufacture,  
19 assembly, distribution, or sale of an unmanned vehicle or unmanned  
20 aircraft.

21 (f) In this section, "intent" has the meaning assigned by  
22 Section 6.03, Penal Code.

23 Sec. 423.004. OFFENSE: POSSESSION, DISCLOSURE, DISPLAY,  
24 DISTRIBUTION, OR USE OF IMAGE. (a) A person commits an offense if  
25 the person:

26 (1) captures an image in violation of Section 423.003;

27 and

1           (2) possesses, discloses, displays, distributes, or  
2 otherwise uses that image.

3           (b) An offense under this section for the possession of an  
4 image is a Class C misdemeanor. An offense under this section for  
5 the disclosure, display, distribution, or other use of an image is a  
6 Class B misdemeanor.

7           (c) Each image a person possesses, discloses, displays,  
8 distributes, or otherwise uses in violation of this section is a  
9 separate offense.

10           (d) It is a defense to prosecution under this section for  
11 the possession of an image that the person destroyed the image as  
12 soon as the person had knowledge that the image was captured in  
13 violation of Section 423.003.

14           (e) It is a defense to prosecution under this section for  
15 the disclosure, display, distribution, or other use of an image  
16 that the person stopped disclosing, displaying, distributing, or  
17 otherwise using the image as soon as the person had knowledge that  
18 the image was captured in violation of Section 423.003.

19           Sec. 423.005. ILLEGALLY OR INCIDENTALLY CAPTURED IMAGES NOT  
20 SUBJECT TO DISCLOSURE. (a) Except as otherwise provided by  
21 Subsection (b), an image captured in violation of Section 423.003,  
22 or an image captured by an unmanned vehicle or unmanned aircraft  
23 that was incidental to the lawful capturing of an image:

24           (1) may not be used as evidence in any criminal or  
25 juvenile proceeding, civil action, or administrative proceeding;

26           (2) is not subject to disclosure, inspection, or  
27 copying under Chapter 552; and

1           (3) is not subject to discovery, subpoena, or other  
2 means of legal compulsion for its release.

3           (b) An image described by Subsection (a) may be disclosed  
4 and used as evidence to prove a violation of this chapter and is  
5 subject to discovery, subpoena, or other means of legal compulsion  
6 for that purpose.

7           Sec. 423.006. CIVIL ACTION. (a) An owner or tenant of  
8 privately owned real property located in this state may bring  
9 against a person who, in violation of Section 423.003, captured an  
10 image of the property or the owner or tenant while on the property  
11 an action to:

12           (1) enjoin a violation or imminent violation of  
13 Section 423.003 or 423.004;

14           (2) recover a civil penalty of:

15                   (A) \$5,000 for all images captured in a single  
16 episode in violation of Section 423.003; or

17                   (B) \$10,000 for disclosure, display,  
18 distribution, or other use of any images captured in a single  
19 episode in violation of Section 423.004; or

20           (3) recover actual damages if the person who captured  
21 the image in violation of Section 423.003 discloses, displays, or  
22 distributes the image with malice.

23           (b) For purposes of recovering the civil penalty or actual  
24 damages under Subsection (a), all owners of a parcel of real  
25 property are considered to be a single owner and all tenants of a  
26 parcel of real property are considered to be a single tenant.

27           (c) In this section, "malice" has the meaning assigned by

1 Section 41.001, Civil Practice and Remedies Code.

2 (d) In addition to any civil penalties authorized under this  
3 section, the court shall award court costs and reasonable  
4 attorney's fees to the prevailing party.

5 (e) Venue for an action under this section is governed by  
6 Chapter 15, Civil Practice and Remedies Code.

7 (f) An action brought under this section must be commenced  
8 within two years from the date the image was:

9 (1) captured in violation of Section 423.003; or

10 (2) initially disclosed, displayed, distributed, or  
11 otherwise used in violation of Section 423.004.

12 Sec. 423.007. RULES FOR USE BY LAW ENFORCEMENT. The  
13 Department of Public Safety shall adopt rules and guidelines for  
14 use of an unmanned vehicle or unmanned aircraft by a law enforcement  
15 authority in this state.

16 SECTION 3. The change in law made by this Act applies only  
17 to the capture, possession, disclosure, display, distribution, or  
18 other use of an image that occurs on or after the effective date of  
19 this Act.

20 SECTION 4. The provisions of this Act or the applications of  
21 those provisions are severable as provided by Section 311.032(c),  
22 Government Code.

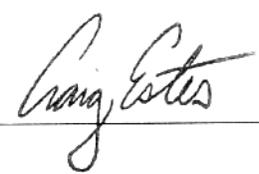
23 SECTION 5. This Act takes effect September 1, 2013.

# ADOPTED

MAY 17 2013

  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 912 (Senate Committee Printing) in SECTION 2  
2 of the bill as follows:

3 (1) In the heading to added Chapter 423, Government Code  
4 (page 1, line 22), strike "UNMANNED VEHICLES AND".

5 (2) In added Section 423.002, Government Code (page 1, line  
6 30), strike "unmanned vehicle or".

7 (3) In added Section 423.002(5), Government Code (page 1,  
8 lines 48-49), strike "unmanned vehicle or".

9 (4) In added Section 423.002(5), Government Code (page 1,  
10 line 50), after "research of", strike "the vehicle or".

11 (5) In the heading to added Section 423.003, Government Code  
12 (page 2, line 6), strike "UNMANNED VEHICLES OR".

13 (6) In added Section 423.003(a), Government Code (page 2,  
14 line 8), strike "unmanned vehicle or".

15 (7) In added Section 423.003(e), Government Code (page 3,  
16 line 35), strike "unmanned vehicle or".

17 (8) In added Section 423.005(a), Government Code (page 3,  
18 line 65), strike "unmanned vehicle or".

19 (9) In added Section 423.007, Government Code (page 4, line  
20 42), strike "unmanned vehicle or".

**ADOPTED**

MAY 17 2013

*DeWay Sewell*  
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Craig Estes*

1 Amend H.B. No. 912 (Senate Committee Printing) in SECTION 2  
2 of the bill as follows:

3 (1) In added Section 423.002, Government Code (page 1, lines  
4 29-30), strike "of real property or an individual on real property  
5 located in this state".

6 ~~(2) In added Section 423.002(4), Government Code (page 1,~~  
7 ~~line 47) between "mapping" and the underlined semicolon, insert~~  
8 ~~provided that the image is not captured with the intent to conduct~~  
9 ~~surveillance of an individual or real property located in this~~  
10 ~~state.~~

11 (3) In added Section 423.002(6), Government Code (page 1,  
12 line 55), following the underlined semicolon, strike "or".

13 (4) In added Section 423.002(7)(D), Government Code (page  
14 2, line 5), between "service" and the underlined period, insert the  
15 following:

16 1

17 (8) with the consent of the individual captured in the  
18 image and the individual who owns or lawfully occupies the real  
19 property captured in the image;

20 (9) pursuant to a valid search or arrest warrant;

21 (10) by a law enforcement authority or a person who is  
22 under contract with or otherwise acting under the direction or on  
23 behalf of a law enforcement authority:

24 (A) in immediate pursuit of a person law  
25 enforcement officers have reasonable suspicion or probable cause to  
26 suspect has committed an offense;

27 (B) for the purpose of documenting a crime scene  
28 where an offense has been committed;

29 (C) for the purpose of investigating the scene

1 of:

2 (i) a human fatality;

3 (ii) a motor vehicle accident causing death  
4 or serious bodily injury to a person; or

5 (iii) any motor vehicle accident on a state  
6 highway or federal interstate or highway;

7 (D) in connection with the search for a missing  
8 person; or

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

11 (11) by state or local law enforcement authorities, or  
12 a person who is under contract with or otherwise acting under the  
13 direction or on behalf of state authorities, for the purpose of:

14 (A) surveying the scene of a catastrophe or other  
15 damage to determine whether a state of emergency should be  
16 declared;

17 (B) preserving public safety, protecting  
18 property, or surveying damage or contamination during a lawfully  
19 declared state of emergency; or

20 (C) conducting routine air quality sampling and  
21 monitoring;

22 (12) at the scene of a spill, or a suspected spill, of  
23 hazardous materials;

24 (13) for the purpose of fire suppression;

25 (14) for the purpose of rescuing a person whose life or  
26 well-being is in imminent danger;

27 (15) by a Texas licensed real estate broker in  
28 connection with the marketing, sale, or financing of real property,  
29 provided that no individual is identifiable in the image;

30 (16) of real property or a person on real property that  
31 is within 25 miles of the United States border;

1           (17) from a height no more than eight feet above ground  
2 level in a public place, if the image was captured without using any  
3 electronic, mechanical, or other means to amplify the image beyond  
4 normal human perception;

5           (18) of public real property or a person on that  
6 property;

7           (19) by an electric or telecommunications utility  
8 provider regulated by the Public Utility Commission of Texas:

9           (A) for the purpose of performing and reporting  
10 the results of the annual inspection of transmission lines and  
11 other facilities as required by the commission, if the image is  
12 captured without the intent to conduct surveillance on an  
13 individual or real property located in this state; or

14           (B) for the purpose of maintaining or repairing  
15 transmission lines or other facilities, if the image is captured  
16 without the intent to conduct surveillance on an individual or real  
17 property located in this state;

18           (20) by the owner or operator of an oil, gas, water, or  
19 other pipeline for the purpose of inspecting, maintaining, or  
20 repairing pipelines or other related facilities, if the image is  
21 captured without the intent to conduct surveillance on an  
22 individual or real property located in this state;

23           (21) in connection with oil pipeline safety and rig  
24 protection;

25           (22) in connection with port authority surveillance  
26 and security;

27           (23) in connection with cattle ranching or agriculture  
28 and wildlife management;

29           (24) in connection with oil and gas exploration;

30           (25) for the purpose of water supply safety;

31           (26) for the purpose of surveying land;

1           (27) for the purpose of agriculture and farming  
2 safety;

3           (28) in connection with an air show or related event;

4           (29) for the purpose of producing a film or other  
5 artistic work incorporating a visual or aural image, if:

6                   (A) any identifiable person captured in the image  
7 was not in a place where that person had a reasonable expectation of  
8 privacy, the image or recording was made in accordance with a permit  
9 issued by a state or federal agency, and the vehicle capturing the  
10 image or recording is at least 10 feet in length and affixed with  
11 lights or reflective markings indicating the vehicle's owner; or

12                   (B) the image was recorded at an altitude of at  
13 least 400 feet;

14           (30) by a radio or television station licensed by the  
15 Federal Communications Commission, a newspaper of general  
16 circulation published in Texas, or another bona fide news  
17 organization if:

18                   (A) the image was captured for news-gathering  
19 purposes, any identifiable person captured in the image was not in a  
20 place where that person had a reasonable expectation of privacy,  
21 and the vehicle capturing the image is at least 10 feet in length  
22 and affixed with lights or reflective markings indicating the  
23 vehicle's owner; or

24                   (B) the image was recorded at an altitude of at  
25 least 400 feet; or

26           (31) in connection with the manufacture, assembly,  
27 distribution, or sale of an unmanned vehicle or unmanned aircraft

28           (5) Strike added Sections 423.003(c) and (e), Government  
29 Code (page 2, line 18 through page 3, line 27, and page 3, lines 34  
30 through 36), and reletter the remaining subsections of that section  
31 accordingly.

# ADOPTED

MAY 17 2013

FLOOR AMENDMENT NO. 3

BY:

*Antony Spaul*  
Secretary of the Senate

*Craig Estes*

1 Amend Amendment No. 2 by Estes to H.B. No. 912  
2 (Senate Committee Printing), in Item (4) that amends added  
3 Section 423.002, Government Code, as follows:

4 (1) At the end of added Section 423.002(10)(D), Government  
5 Code (page 2, line 8), following the underlined semicolon,  
6 strike "or".

7 (2) Following the underlined semicolon at the end of added  
8 Section 423.002(10)(E), Government Code (page 2, line 10),  
9 insert the following:

10 or

11 (F) of private property that is generally open to  
12 the public and for which law enforcement has public safety  
13 responsibilities;

14 (3) In added Section 423.002(29)(A), Government Code (page  
15 4, line 9), between "and the" and "capturing", strike "vehicle"  
16 and substitute "unmanned aircraft".

17 (4) In added Section 423.002(29)(A), Government Code (page  
18 4, line 11), before "owner", strike "vehicle's" and substitute  
19 "aircraft's".

20 (5) In added Section 423.002(30)(A), Government Code (page  
21 4, line 21), between "and the" and "capturing", strike "vehicle"  
22 and substitute "unmanned aircraft".

23 (6) In added Section 423.002(30)(A), Government Code (page  
24 4, line 23), before "owner", strike "vehicle's" and substitute  
25 "aircraft's".

26 (7) In added Section 423.002(31), Government Code (page 4,  
27 line 27), strike "unmanned vehicle or".

# ADOPTED

MAY 17 2013

*Atty. Gen.*  
Secretary of the Senate

FLOOR AMENDMENT NO. 4

BY: *Rodney Ellis*

1 Amend H.B. No. 912 (senate committee printing) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Title 5, Civil Practice and Remedies Code, is  
5 amended by adding Chapter 112 to read as follows:

6 CHAPTER 112. LIABILITY OF GOVERNMENTAL UNIT FOR CERTAIN  
7 UNSUCCESSFUL PROSECUTIONS

8 Sec. 112.001. DEFINITION. In this chapter, "governmental  
9 unit" has the meaning assigned by Section 101.001.

10 Sec. 112.002. LIABILITY FOR CERTAIN RETALIATORY  
11 PROSECUTIONS. A person who is prosecuted for an offense under  
12 Section 22.01(a)(1) or 38.15(a)(1), Penal Code, or Section  
13 542.501(a)(1), Transportation Code, and is acquitted of the offense  
14 may recover in a civil action against the governmental unit that  
15 employed any peace officer who accused the person of the offense of  
16 which the person was acquitted if the person shows by a  
17 preponderance of the evidence that:

18 (1) the person was filming, recording, photographing,  
19 documenting, or observing the peace officer; and

20 (2) the peace officer's accusation was made in  
21 retaliation for the person's act of filming, recording,  
22 photographing, documenting, or observing the peace officer.

23 Sec. 112.003. REMEDIES. A person who prevails in a suit  
24 against a governmental unit under Section 112.002 is entitled to  
25 recover only:

26 (1) the person's reasonable attorney's fees incurred  
27 in connection with the retaliatory prosecution; and

28 (2) the amount of any actual damages incurred by the  
29 person arising from damage by a peace officer to any recording

1 equipment used in connection with the conduct that resulted in the  
2 retaliatory prosecution.

3 Sec. 112.004. SOVEREIGN IMMUNITY WAIVED. Sovereign  
4 immunity to suit and liability is waived and abolished to the extent  
5 of liability created by this chapter.

6 SECTION \_\_\_\_\_. Section 38.15(c), Penal Code, is amended to  
7 read as follows:

8 (c) It is a defense to prosecution under Subsection (a)(1)  
9 that the conduct engaged in by the defendant:

10 (1) was intended to warn a person operating a motor  
11 vehicle of the presence of a peace officer who was enforcing  
12 Subtitle C, Title 7, Transportation Code; or

13 (2) consisted only of filming, recording,  
14 photographing, documenting, or observing a peace officer.

15 SECTION \_\_\_\_\_. Section 542.501, Transportation Code, is  
16 amended to read as follows:

17 Sec. 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS AND TO  
18 SCHOOL CROSSING GUARDS. (a) A person may not wilfully fail or  
19 refuse to comply with a lawful order or direction of:

20 (1) a police officer; or

21 (2) a school crossing guard who:

22 (A) is performing crossing guard duties in a  
23 school crosswalk to stop and yield to a pedestrian; or

24 (B) has been trained under Section 600.004 and is  
25 directing traffic in a school crossing zone.

26 (b) Subsection (a)(1) does not apply to an order or  
27 direction to cease filming, recording, photographing, documenting,  
28 or observing a police officer while the officer is engaged in the  
29 performance of official duties.

30 SECTION \_\_\_\_\_. Chapter 112, Civil Practice and Remedies  
31 Code, as added by this Act, applies only with respect to a

1 prosecution of an offense committed on or after the effective date  
2 of this Act.

3 SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of  
4 this section, Section 38.15, Penal Code, and Section 542.501,  
5 Transportation Code, as amended by this Act, apply to the  
6 prosecution of an offense under one of those sections commenced  
7 before, on, or after the effective date of this Act.

8 (b) A final conviction for an offense under Section 38.15,  
9 Penal Code, or Section 542.501, Transportation Code, that exists on  
10 the effective date of this Act is unaffected by this Act.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 20, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB912** by Gooden (Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties. ), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would add Chapter 423 to the Government Code to define "image" captured by an unmanned aircraft, and would create a class C misdemeanor offense if a person uses an unmanned aircraft to capture an image of a person or privately owned real property. The bill would create a Class B misdemeanor for the disclosure, display, distribution or other use of certain related images. The bill would create defenses to prosecution for images captured under specific circumstances as defined by the provisions of the bill. A Class C misdemeanor is punishable by a fine of not more than \$500. A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000.

The bill would amend Chapter 542 of the Transportation Code to provide that a person does not violate the law if the police officer's order with which the person failed or refused to follow was to cease filming, recording, photographing, documenting, or observing a police officer while the officer was engaged in performance of official duties. The bill would make this action a defense to a charge of interference with public duties.

The bill would add Chapter 112 to the Civil Practice and Remedies Code to permit a person to recover attorney's fees incurred with the underlying prosecution and the person's actual damages arising from damage by a peace officer to any recording equipment in a civil suit against the governmental employer.

The Office of Court Administration anticipates that the number of civil lawsuits for retaliatory prosecution cases should be minimal and any costs could be absorbed by the state judiciary's existing resources. The Department of Public Safety, the Texas Alcoholic and Beverage Commission, and the Texas Parks and Wildlife Department indicates no fiscal impact to the state.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition, local governments would be adversely affected by the costs associated with defending and possibly losing a retaliatory prosecution case; however, because the number of cases is anticipated to be minimal, no significant fiscal impact is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405  
Department of Public Safety, 458 Alcoholic Beverage Commission, 802  
Parks and Wildlife Department

**LBB Staff:** UP, SZ, TP, AG, JI, JJO, KKR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 13, 2013**

**TO:** Honorable Craig Estes, Chair, Senate Committee on Agriculture, Rural Affairs & Homeland Security

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB912** by Gooden (Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would add Chapter 423 to the Government Code to define "image" captured by unmanned vehicles and unmanned aircraft, and would create a class C misdemeanor offense if a person uses an unmanned vehicle or aircraft to capture an image without the consent of the person who owns or occupies the real property captured in the image. The bill would create a Class B misdemeanor for the disclosure, display, distribution or other use of certain related images. The bill would also create defenses to prosecution for images captured under specific circumstances as defined by the provisions of the bill. A Class C misdemeanor is punishable by a fine of not more than \$500. A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000. No significant fiscal impact to the state is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Costs associated with enforcement and prosecution could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 466 Office of Consumer Credit Commissioner

**LBB Staff:** UP, SZ, TP, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 22, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB912** by Gooden (Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.), **Committee Report 1st House, Substituted**

<p><b>No fiscal implication to the State is anticipated.</b></p>
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The bill would add Chapter 423 to the Government Code to define "image" captured by unmanned vehicles and unmanned aircraft, and would create a class C misdemeanor offense if a person used or authorized the use of an unmanned vehicle or aircraft to capture an image without the express consent of the person who owns or occupies the real property captured in the image. The bill would also create a Class B misdemeanor ofr the disclosure, display, distribution or other use of certain related images. The bill would also create defenses to prosecution for images captured under specific circumstances as defined by the provisions of the bill. A Class C misdemeanor is punishable by a fine of not more than \$500. A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000. No significant fiscal impact to the state is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Costs associated with enforcement and prosecution could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 466 Office of Consumer Credit Commissioner

**LBB Staff:** UP, ESi, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 22, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB912** by Gooden (Relating to images captured by unmanned vehicles and aircraft; providing penalties.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would add Chapter 423 to the Government Code to define “image” captured by unmanned vehicles and aircraft, and would create a class C misdemeanor offense if a person used or authorized the use of an unmanned vehicle or aircraft to capture an image without the express consent of the person who owns or occupies the real property captured in the image. The bill would also create a defense to prosecution for images captured under specific circumstances as defined by the provisions of the bill. A Class C misdemeanor is punishable by a fine of not more than \$500.

The bill would require the Consumer Credit Commissioner (CCC) to compute and publish the dollar amount to reflect inflation annually; and to use 2013 as the base year, adjusting dollar amounts every July 1. The CCC would be required to make the adjustments information available to the public.

According to the CCC, no fiscal impact is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Costs associated with enforcement and prosecution could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 466 Office of Consumer Credit Commissioner

**LBB Staff:** UP, ESi, TP