

## **BILL ANALYSIS**

H.B. 3251  
By: Thompson, Ed  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

State law makes it illegal to use an unmanned aircraft to capture an image in Texas, with a few limited exceptions. Law enforcement personnel have suggested that additional clarity and guidance regarding several terms and procedures are necessary to enforce this law. H.B. 3251 seeks to provide clearer definitions of the terms "capture" and "surveillance" while also revising the circumstances under which it is lawful for a law enforcement authority to use an unmanned aircraft to capture an image.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3251 amends the Government Code to revise the circumstances under which it is lawful for a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of the authority to capture an image using an unmanned aircraft in Texas by doing the following:

- expanding the offenses for which it is lawful to capture of an image while in pursuit of a person suspected of committing a crime or for the purposes of investigating the scene of a crime to include misdemeanor and fine-only offenses;
- removing as a requisite condition for the capturing an image of private property to be lawful that the property is generally open to the public; and
- specifying that law enforcement public safety responsibilities to which the property's owner must consent are one or more of the other circumstances under which it is lawful for the authority or person to capture an image using an unmanned aircraft.

The bill removes as a circumstance under which it is lawful to capture such an image an image being captured from a height no more than eight feet above ground level in a public place and without using any electronic, mechanical, or other means to amplify the image beyond normal human perception. With respect to the use of unmanned aircraft, the bill establishes definitions for "capture" and "surveillance."

H.B. 3251 revises the recipients of the reports submitted by applicable law enforcement agencies in Texas that used or operated an unmanned aircraft during the preceding 24 months to remove as a recipient each member of the legislature and include as new recipients the speaker of the house of representatives and the Legislative Reference Library. The bill requires the reports to be submitted to each recipient in a form and manner prescribed by the recipient.

**EFFECTIVE DATE**

September 1, 2021.