

SUBJECT: Prohibiting capture of certain images within 25 miles of border by drones

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — P. King, Nevárez, Burns, Hinojosa, Holland, J. Johnson, Metcalf, Schaefer, Wray

0 nays

WITNESSES: For — (*Registered, but did not testify*: Michael Pacheco, Texas Farm Bureau; Mitch Landry, Texas Municipal Police Association (TMPA); Thomas Parkinson)

Against — None

On — Thomas Ruocco, Texas Department of Public Safety

BACKGROUND: Government Code, sec. 423.003 makes it a crime to use an unmanned aircraft to capture an image of an individual or privately owned property with the intent to conduct surveillance, punishable by a class C misdemeanor (maximum fine of \$500).

Under sec. 423.002, the offense does not apply to the use of unmanned aircraft to capture such images in certain circumstances, including for educational research, law enforcement and investigative purposes, utility operations, or capturing images of property located within 25 miles of the U.S. border.

Concerns have been raised that current law governs people and private properties near the U.S. border differently than the rest of the state by allowing any person to use an unmanned aircraft to capture an image with the intent to conduct surveillance on an individual or property.

DIGEST: CSHB 106 would remove from the list of activities designated lawful under Government Code, sec. 423.002 the use of an unmanned aircraft to

capture an image of real property or a person on real property that is within 25 miles of the U.S. border.

The bill also would expand the lawful use of unmanned aircraft to capture an image for certain purposes by or for a telecommunications provider.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

NOTES:

A companion bill, SB 840 by Zaffirini, was approved by the Senate on April 18.