

SUBJECT: Adding military installations to list of prohibited areas for drone operation

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland,
Hunter, P. King, Parker, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Raymond

SENATE VOTE: On final passage, April 17 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Leticia Van de Putte, City of Del Rio and San Antonio Chamber of Commerce; TJ Patterson, City of Fort Worth; Rebecca Young-Montgomery, Fort Worth Chamber of Commerce; Holli Davies, North Texas Commission; Austin McCarty, Texas Chemical Council)

Against — None

BACKGROUND: Under Government Code sec. 423.0045, it is a crime to intentionally or knowingly:

- operate an unmanned aircraft 400 feet or less above ground level over a correctional facility, detention facility, or critical infrastructure facility;
- allow an unmanned aircraft to make contact with such facilities, including any person or object on their premises; or
- allow an unmanned aircraft to come within a distance of those facilities that is close enough to cause a disturbance or interfere with operations.

An offense generally is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

Citing recent incidents, some have called for revising this offense to prohibit the operation of unmanned aircraft over or near a military installation to address the security and safety risks posed by the increased accessibility of drones and their technological advances to military bases.

DIGEST:

SB 2299 would expand the definition of critical infrastructure facility for the purposes of the offense of operating an unmanned aircraft over certain facilities under Government Code sec. 423.0045 to include a military installation owned or operated by or for the federal government, the state, or another governmental entity.

To the extent of any conflict, SB 2299 would prevail over another bill of the 86th Legislature relating to non-substantive additions to and corrections in enacted codes.

The bill would take effect September 1, 2019, and would apply only to an offense committed on or after that date.