

BILL ANALYSIS

Senate Research Center

H.B. 1424
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned observers note a lack of restrictions on drone flights above correctional facilities, detention facilities, and large-capacity sports venues in Texas. H.B. 1424 seeks to address security concerns by restricting the unauthorized operation of unmanned aircraft over these facilities and venues.

H.B. 1424 amends the Government Code to expand the conduct that constitutes an offense involving the unlawful operation of an unmanned aircraft over certain facilities to include intentionally or knowingly operating an unmanned aircraft not higher than 400 feet above ground level over a correctional facility or detention facility; allowing an unmanned aircraft to make contact with a correctional facility or detention facility, including any person or object on the premises of or within the facility; or allowing an unmanned aircraft to come within a distance of a correctional facility or detention facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill exempts the following actors from the application of the offense involving the unlawful operation of an unmanned aircraft over a correctional or detention facility: the federal government, the state, a governmental entity, or a law enforcement agency; a person under contract with or otherwise acting under the direction or on behalf of any of those entities; and an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration (FAA) to conduct operations over that airspace. The bill defines "correctional facility" as a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice, a municipal or county jail, or a confinement facility operated by or under contract with the Federal Bureau of Prisons and defines "detention facility" as a facility operated by or under contract with U.S. Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings. The bill enhances the penalty for an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense created by the bill for the unlawful operation of an unmanned aircraft over a sports venue.

H.B. 1424 creates a Class B misdemeanor offense for a person who operates an unmanned aircraft not higher than 400 feet above ground level over a sports venue, defined by the bill as an arena, automobile racetrack, coliseum, stadium, or other type of area or facility that has a seating capacity of 30,000 or more people and is primarily used for one or more professional or amateur sports or athletics events. The bill exempts the following actors from application of the offense: the federal government, the state, a governmental entity, or a law enforcement agency; a person under contract with or otherwise acting under the direction or on behalf of any of those entities; an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the FAA to conduct operations over the airspace; an owner or operator of the sports venue; a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; and a person who has the prior written consent of the owner or operator of the sports venue. The bill enhances the penalty for such an offense from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense or of an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility.

H.B. 1424 amends current law relating to the operation of an unmanned aircraft over certain facilities or sports venues and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 423.0045, Government Code, to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CRITICAL INFRASTRUCTURE FACILITY.

SECTION 2. Amends Section 423.0045(a), Government Code, by amending Subdivision (1) and adding Subdivisions (1-a) and (3), as follows:

(1) Defines "correctional facility."

(1-a) Creates this subdivision from existing text and makes no further changes to this subdivision.

(3) Defines "detention facility."

SECTION 3. Amends Sections 423.0045(b), (c), and (d), Government Code, as follows:

(b) Provides that a person commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility, rather than over a critical infrastructure facility, and the unmanned aircraft is not higher than 400 feet above ground level;

(2) and (3) makes conforming changes.

(c) Provides that this section does not apply to:

(1) conduct described by Subsection (b) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by certain persons associated with a governmental entity. Creates this subdivision from existing text and makes nonsubstantive changes; or

(2) conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by certain persons associated with the critical infrastructure facility. Deletes existing Subdivision (9) providing that this section does not apply to certain conduct committed by an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace. Makes nonsubstantive changes

(d) Provides that an offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0046, rather than under this section.

SECTION 4. Amends Chapter 423, Government Code, by adding Section 423.0046, as follows:

Sec. 423.0046. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER SPORTS VENUE. (a) Defines "sports venue."

(b) Provides that a person commits an offense if the person operates an unmanned aircraft over a sports venue and the unmanned aircraft is not higher than 400 feet above ground level.

(c) Provides that this section does not apply to conduct described by Subsection (b) that is committed by certain persons associated with certain governmental entities or the sports venue.

(d) Provides that an offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0045.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.