

Revising mental state for offense of operating drones near certain facilities

HB 3082 by Murphy (Birdwell)

Digest

HB 3082 would have changed the mental state from “intentionally or knowingly” to “with criminal negligence” for conduct constituting the offense of operating an unmanned aircraft over or near certain facilities under Government Code sec. 423.0045, including a correctional facility, a detention facility, or a critical infrastructure facility. A peace officer investigating an offense under the bill would have had to notify the Department of Public Safety.

Sen. Brian Birdwell, the Senate sponsor, could not be reached for comment on the veto.

Notes

The HRO analysis of [HB 3082](#) appeared in Part Two of the April 30 *Daily Floor Report*.

Governor’s reason for veto

“Current law already imposes criminal penalties for the conduct addressed in House Bill 3082. This proposed legislation would expose too many Texans to criminal liability for unintentional conduct. Negligently flying a drone over a railroad switching yard should not result in jail time.”

Response

Rep. Jim Murphy, the bill’s author, said: “This bill would have provided law enforcement necessary tools to investigate unauthorized operation of unmanned aircrafts in a more expeditious manner. Additionally, it would streamline reporting of suspicious activity by making DPS part of the conversation with local law enforcement. This legislation, which passed with bipartisan support, was filed to stop people whose actions pose real and immediate danger to facilities and the communities around them. Drone strikes on our Texas refineries and chemical plants, whether accidental or intentional, should be prevented. I believe that HB 3082 was misconstrued as an enhancement instead of a solution to a gap in the preservation of public safety. I look forward to continuing the conversation on protecting critical infrastructure across the state of Texas.”