

1-1 By: Krause (Senate Sponsor - Birdwell) H.B. No. 1758
1-2 (In the Senate - Received from the House May 3, 2021;
1-3 May 14, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2021, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to law enforcement's use of force by means of a drone.
1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-17 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-18 amended by adding Article 2.33 to read as follows:
1-19 Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE.
1-20 (a) In this article:
1-21 (1) "Drone" means an unmanned aircraft, watercraft, or
1-22 ground vehicle or a robotic device that:
1-23 (A) is controlled remotely by a human operator;
1-24 or
1-25 (B) operates autonomously through computer
1-26 software or other programming.
1-27 (2) "Law enforcement agency" means an agency of the
1-28 state or an agency of a political subdivision of the state
1-29 authorized by law to employ peace officers.
1-30 (b) Each law enforcement agency shall:
1-31 (1) adopt a written policy regarding the agency's use
1-32 of force by means of a drone and update the policy as necessary; and
1-33 (2) not later than January 1 of each even-numbered
1-34 year, submit the policy to the Texas Commission on Law Enforcement
1-35 in the manner prescribed by the commission.
1-36 SECTION 2. Subchapter E, Chapter 9, Penal Code, is amended
1-37 by adding Section 9.54 to read as follows:
1-38 Sec. 9.54. LIMITATION ON USE OF FORCE BY DRONE. (a) In this
1-39 section:
1-40 (1) "Autonomous drone" means a drone that operates
1-41 autonomously through computer software or other programming.
1-42 (2) "Drone" and "law enforcement agency" have the
1-43 meanings assigned by Article 2.33, Code of Criminal Procedure.
1-44 (b) Notwithstanding any other law, the use of force,
1-45 including deadly force, involving a drone is justified under this
1-46 subchapter only if:
1-47 (1) at the time the use of force occurred, the actor
1-48 was employed by a law enforcement agency;
1-49 (2) the use of force:
1-50 (A) would have been justified under another
1-51 provision of this subchapter; and
1-52 (B) did not involve the use of deadly force by
1-53 means of an autonomous drone; and
1-54 (3) before the use of force occurred, the law
1-55 enforcement agency employing the actor adopted and submitted to the
1-56 Texas Commission on Law Enforcement a policy on the agency's use of
1-57 force by means of a drone, as required by Article 2.33, Code of
1-58 Criminal Procedure, and the use of force conformed to the
1-59 requirements of that policy.
1-60 SECTION 3. Not later than January 1, 2022, each law
1-61 enforcement agency in this state shall:

2-1 (1) adopt the policy required by Article 2.33, Code of
2-2 Criminal Procedure, as added by this Act; and

2-3 (2) submit the policy to the Texas Commission on Law
2-4 Enforcement as required by that article.

2-5 SECTION 4. Section 9.54, Penal Code, as added by this Act,
2-6 applies only to an offense committed on or after January 1, 2022.
2-7 An offense committed before January 1, 2022, is governed by the law
2-8 in effect on the date the offense was committed, and the former law
2-9 is continued in effect for that purpose. For purposes of this
2-10 section, an offense was committed before January 1, 2022, if any
2-11 element of the offense occurred before that date.

2-12 SECTION 5. This Act takes effect September 1, 2021.

2-13

* * * * *