

By: Paxton

S.B. No. 423

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of unmanned aircraft by the Texas military
3 forces.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 423.002(a), Government Code, is amended
6 to read as follows:

7 (a) It is lawful to capture an image using an unmanned
8 aircraft in this state:

9 (1) for the purpose of professional or scholarly
10 research and development or for another academic purpose by a
11 person acting on behalf of an institution of higher education or a
12 private or independent institution of higher education, as those
13 terms are defined by Section 61.003, Education Code, including a
14 person who:

15 (A) is a professor, employee, or student of the
16 institution; or

17 (B) is under contract with or otherwise acting
18 under the direction or on behalf of the institution;

19 (2) in airspace designated as a test site or range
20 authorized by the Federal Aviation Administration for the purpose
21 of integrating unmanned aircraft systems into the national
22 airspace;

23 (3) as part of an operation, exercise, or mission of
24 any branch of the United States military;

1 (4) if the image is captured by a satellite for the
2 purposes of mapping;

3 (5) if the image is captured by or for an electric or
4 natural gas utility or a telecommunications provider:

5 (A) for operations and maintenance of utility or
6 telecommunications facilities for the purpose of maintaining
7 utility or telecommunications system reliability and integrity;

8 (B) for inspecting utility or telecommunications
9 facilities to determine repair, maintenance, or replacement needs
10 during and after construction of such facilities;

11 (C) for assessing vegetation growth for the
12 purpose of maintaining clearances on utility or telecommunications
13 easements; and

14 (D) for utility or telecommunications facility
15 routing and siting for the purpose of providing utility or
16 telecommunications service;

17 (6) with the consent of the individual who owns or
18 lawfully occupies the real property captured in the image;

19 (7) pursuant to a valid search or arrest warrant;

20 (8) if the image is captured by a law enforcement
21 authority or a person who is under contract with or otherwise acting
22 under the direction or on behalf of a law enforcement authority:

23 (A) in immediate pursuit of a person law
24 enforcement officers have reasonable suspicion or probable cause to
25 suspect has committed an offense, not including misdemeanors or
26 offenses punishable by a fine only;

27 (B) for the purpose of documenting a crime scene

1 where an offense, not including misdemeanors or offenses punishable
2 by a fine only, has been committed;

3 (C) for the purpose of investigating the scene
4 of:

5 (i) a human fatality;

6 (ii) a motor vehicle accident causing death
7 or serious bodily injury to a person; or

8 (iii) any motor vehicle accident on a state
9 highway or federal interstate or highway;

10 (D) in connection with the search for a missing
11 person;

12 (E) for the purpose of conducting a high-risk
13 tactical operation that poses a threat to human life;

14 (F) of private property that is generally open to
15 the public where the property owner consents to law enforcement
16 public safety responsibilities; or

17 (G) of real property or a person on real property
18 that is within 25 miles of the United States border for the sole
19 purpose of ensuring border security;

20 (9) if the image is captured by state or local law
21 enforcement authorities, or a person who is under contract with or
22 otherwise acting under the direction or on behalf of state
23 authorities, for the purpose of:

24 (A) surveying the scene of a catastrophe or other
25 damage to determine whether a state of emergency should be
26 declared;

27 (B) preserving public safety, protecting

1 property, or surveying damage or contamination during a lawfully
2 declared state of emergency; or

3 (C) conducting routine air quality sampling and
4 monitoring, as provided by state or local law;

5 (10) at the scene of a spill, or a suspected spill, of
6 hazardous materials;

7 (11) for the purpose of fire suppression;

8 (12) for the purpose of rescuing a person whose life or
9 well-being is in imminent danger;

10 (13) if the image is captured by a Texas licensed real
11 estate broker in connection with the marketing, sale, or financing
12 of real property, provided that no individual is identifiable in
13 the image;

14 (14) from a height no more than eight feet above ground
15 level in a public place, if the image was captured without using any
16 electronic, mechanical, or other means to amplify the image beyond
17 normal human perception;

18 (15) of public real property or a person on that
19 property;

20 (16) if the image is captured by the owner or operator
21 of an oil, gas, water, or other pipeline for the purpose of
22 inspecting, maintaining, or repairing pipelines or other related
23 facilities, and is captured without the intent to conduct
24 surveillance on an individual or real property located in this
25 state;

26 (17) in connection with oil pipeline safety and rig
27 protection;

1 (18) in connection with port authority surveillance
2 and security;

3 (19) if the image is captured by a registered
4 professional land surveyor in connection with the practice of
5 professional surveying, as those terms are defined by Section
6 1071.002, Occupations Code, provided that no individual is
7 identifiable in the image;

8 (20) if the image is captured by a professional
9 engineer licensed under Subchapter G, Chapter 1001, Occupations
10 Code, in connection with the practice of engineering, as defined by
11 Section 1001.003, Occupations Code, provided that no individual is
12 identifiable in the image; [~~or~~]

13 (21) if:

14 (A) the image is captured by an employee of an
15 insurance company or of an affiliate of the company in connection
16 with the underwriting of an insurance policy, or the rating or
17 adjusting of an insurance claim, regarding real property or a
18 structure on real property; and

19 (B) the operator of the unmanned aircraft is
20 authorized by the Federal Aviation Administration to conduct
21 operations within the airspace from which the image is captured; or

22 (22) if the image is captured by the Texas military
23 forces, as defined by Section 437.001, pursuant to an active duty
24 operation, exercise, or mission and:

25 (A) the image is of real property or a person on
26 real property that is within 25 miles of the United States border
27 and the image was captured for the sole purpose of ensuring border

1 security; or

2 (B) the image is captured during a lawfully
3 declared state of emergency and in connection with:

4 (i) the search for a missing person; or

5 (ii) a professional engineering operation.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2023.