

By: Hancock, et al.  
(Geren)

S.B. No. 1308

Substitute the following for S.B. No. 1308:

By: Spiller

C.S.S.B. No. 1308

A BILL TO BE ENTITLED

AN ACT

relating to the operation of an unmanned aircraft over an airport or  
military installation; creating a criminal offense.

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

SECTION 1. Chapter 42, Penal Code, is amended by adding  
Section 42.15 to read as follows:

Sec. 42.15. OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR  
MILITARY INSTALLATION. (a) In this section:

(1) "Airport" has the meaning assigned by Section  
22.001, Transportation Code.

(2) "Military installation" means any military  
installation owned or operated by or for the federal government,  
this state, or another governmental entity.

(b) A person commits an offense if the person intentionally  
or knowingly:

(1) operates an unmanned aircraft over an airport or  
military installation;

(2) allows an unmanned aircraft to make contact with  
an airport or military installation, including any person or object  
on the premises of or within the airport or military installation;  
or

(3) operates an unmanned aircraft in a manner that  
interferes with the operations of or causes a disturbance to an  
airport or military installation.

1        (c) It is a defense to prosecution under this section that  
2 the conduct described by Subsection (b) was engaged in by:

3            (1) the federal government, this state, or a  
4 governmental entity;

5            (2) a person under contract with or otherwise acting  
6 under the direction or on behalf of the federal government, this  
7 state, or a governmental entity;

8            (3) a law enforcement agency;

9            (4) a person under contract with or otherwise acting  
10 under the direction or on behalf of a law enforcement agency;

11           (5) an owner or operator of the airport or military  
12 installation;

13           (6) a person under contract with or otherwise acting  
14 under the direction or on behalf of an owner or operator of the  
15 airport or military installation;

16           (7) a person who has the prior written or electronic  
17 authorization of:

18                    (A) the owner or operator of the airport or  
19 military installation; or

20                    (B) the Federal Aviation Administration; or

21           (8) the owner or occupant of the property on which the  
22 airport or military installation is located or a person who has the  
23 prior written consent of the owner or occupant of that property.

24        (d) An offense under this section is a Class B misdemeanor,  
25 except that the offense is a Class A misdemeanor if the actor has  
26 previously been convicted under this section.

27        SECTION 2. Section [423.0045](#)(a)(1-a), Government Code, is

1 amended to read as follows:

2 (1-a) "Critical infrastructure facility" means:

3 (A) one of the following, if completely enclosed  
4 by a fence or other physical barrier that is obviously designed to  
5 exclude intruders, or if clearly marked with a sign or signs that  
6 are posted on the property, are reasonably likely to come to the  
7 attention of intruders, and indicate that entry is forbidden:

8 (i) a petroleum or alumina refinery;

9 (ii) an electrical power generating  
10 facility, substation, switching station, or electrical control  
11 center;

12 (iii) a chemical, polymer, or rubber  
13 manufacturing facility;

14 (iv) a water intake structure, water  
15 treatment facility, wastewater treatment plant, or pump station;

16 (v) a natural gas compressor station;

17 (vi) a liquid natural gas terminal or  
18 storage facility;

19 (vii) a telecommunications central  
20 switching office or any structure used as part of a system to  
21 provide wired or wireless telecommunications services;

22 (viii) a port, [~~a public or private airport~~  
23 ~~depicted in any current aeronautical chart published by the Federal~~  
24 ~~Aviation Administration,~~] a railroad switching yard, a trucking  
25 terminal, or any other freight transportation facility;

26 (ix) a gas processing plant, including a  
27 plant used in the processing, treatment, or fractionation of

1 natural gas;

2 (x) a transmission facility used by a  
3 federally licensed radio or television station;

4 (xi) a steelmaking facility that uses an  
5 electric arc furnace to make steel;

6 (xii) a dam that is classified as a high  
7 hazard by the Texas Commission on Environmental Quality; or

8 (xiii) a concentrated animal feeding  
9 operation, as defined by Section 26.048, Water Code; or

10 [~~(xiv) a military installation owned or  
11 operated by or for the federal government, the state, or another  
12 governmental entity; or~~]

13 (B) if enclosed by a fence or other physical  
14 barrier obviously designed to exclude intruders:

15 (i) any portion of an aboveground oil, gas,  
16 or chemical pipeline;

17 (ii) an oil or gas drilling site;

18 (iii) a group of tanks used to store crude  
19 oil, such as a tank battery;

20 (iv) an oil, gas, or chemical production  
21 facility;

22 (v) an oil or gas wellhead; or

23 (vi) any oil and gas facility that has an  
24 active flare.

25 SECTION 3. Section 424.001, Government Code, is amended to  
26 read as follows:

27 Sec. 424.001. DEFINITION. In this chapter, "critical

1 infrastructure facility" has the meaning assigned by Section  
2 423.0045(a)(1-a) and also includes:

3 (1) any pipeline transporting oil or gas or the  
4 products or constituents of oil or gas; ~~and~~

5 (2) a public or private airport depicted in any  
6 current aeronautical chart published by the Federal Aviation  
7 Administration;

8 (3) a military installation owned or operated by or  
9 for the federal government, this state, or another governmental  
10 entity; and

11 (4) a facility or pipeline described by this section  
12 that is under construction and all equipment and appurtenances used  
13 during that construction.

14 SECTION 4. The changes in law made by this Act apply only to  
15 an offense committed on or after the effective date of this Act. An  
16 offense committed before the effective date of this Act is governed  
17 by the law in effect on the date the offense was committed, and the  
18 former law is continued in effect for that purpose. For purposes of  
19 this section, an offense was committed before the effective date of  
20 this Act if any element of the offense was committed before that  
21 date.

22 SECTION 5. This Act takes effect September 1, 2023.