

By: Capriglione

H.B. No. 3662

A BILL TO BE ENTITLED

AN ACT

relating to the operation of an unmanned aircraft over a public school instructional facility; creating a criminal offense.

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

SECTION 1. Chapter 423, Government Code, is amended by adding Section 423.0047 to read as follows:

Sec. 423.0047. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER PUBLIC SCHOOL INSTRUCTIONAL FACILITY. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001, Education Code.

(b) A person commits an offense if the person knowingly operates an unmanned aircraft over an instructional facility owned or leased by a school district or open-enrollment charter school.

(c) This section does not apply to conduct described by Subsection (b) that is engaged in by:

(1) the federal government, the state, a governmental entity, or a law enforcement agency;

(2) a person under contract with or otherwise acting under the direction of or on behalf of the federal government, the state, a governmental entity, or a law enforcement agency;

(3) an operator of an unmanned aircraft that is being used for a commercial purpose, if:

(A) the operation is conducted in compliance with all applicable Federal Aviation Administration rules,

1 restrictions, and exemptions; and

2 (B) the operator obtains all required Federal
3 Aviation Administration authorizations;

4 (4) a person who has the prior written consent of the
5 principal, the vice principal, or a school resource officer or
6 peace officer assigned to the instructional facility; or

7 (5) a person who is younger than 14 years of age.

8 (d) If the principal, the vice principal, or a school
9 resource officer or peace officer assigned to an instructional
10 facility witnesses the operation of an unmanned aircraft over the
11 instructional facility, the principal, vice principal, or officer
12 may temporarily take possession of the unmanned aircraft for the
13 purpose of providing the unmanned aircraft to a local law
14 enforcement agency as evidence of an offense under Subsection (b).

15 (e) A judge having jurisdiction of an offense under
16 Subsection (b) may dismiss a charge for an offense described by that
17 subsection if:

18 (1) the defendant is younger than 17 years of age at
19 the time of the offense; and

20 (2) the judge finds that the defendant did not
21 intentionally commit the offense.

22 (f) Before dismissing a charge under Subsection (e), the
23 judge shall issue to the defendant a warning and refer the defendant
24 to an educational program on drone safety and aviation laws.

25 (g) An offense under this section is a Class C misdemeanor,
26 except that the offense is a Class B misdemeanor if the actor has
27 previously been convicted under:

1 (1) this section;

2 (2) Section [423.0045](#); or

3 (3) Section [423.0046](#).

4 SECTION 2. This Act takes effect September 1, 2025.