

By: Smith

H.B. No. 2167

A BILL TO BE ENTITLED

AN ACT

relating to certain images captured by an unmanned aircraft.

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

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

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

(1) for purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education, as defined by Section 61.003, Education Code, including a person who:

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

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

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

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

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

(5) if the image is captured by or for an electric or

1 natural gas utility:

2 (A) for operations and maintenance of utility  
3 facilities for the purpose of maintaining utility system  
4 reliability and integrity;

5 (B) for inspecting utility facilities to  
6 determine repair, maintenance, or replacement needs during and  
7 after construction of such facilities;

8 (C) for assessing vegetation growth for the  
9 purpose of maintaining clearances on utility easements; and

10 (D) for utility facility routing and siting for  
11 the purpose of providing utility service;

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

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

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

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

22 (B) for the purpose of documenting a crime scene  
23 where an offense, not including misdemeanors or offenses punishable  
24 by a fine only, has been committed;

25 (C) for the purpose of investigating the scene  
26 of:

27 (i) a human fatality;

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

3                   (iii) any motor vehicle accident on a state  
4 highway or federal interstate or highway;

5                   (D) in connection with the search for a missing  
6 person;

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

9                   (F) of private property that is generally open to  
10 the public where the property owner consents to law enforcement  
11 public safety responsibilities;

12                  (9) if the image is captured by state or local law  
13 enforcement authorities, or a person who is under contract with or  
14 otherwise acting under the direction or on behalf of state  
15 authorities, for the purpose of:

16                   (A) surveying the scene of a catastrophe or other  
17 damage to determine whether a state of emergency should be  
18 declared;

19                   (B) preserving public safety, protecting  
20 property, or surveying damage or contamination during a lawfully  
21 declared state of emergency; or

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

24                  (10) at the scene of a spill, or a suspected spill, of  
25 hazardous materials;

26                  (11) for the purpose of fire suppression;

27                  (12) for the purpose of rescuing a person whose life or

1 well-being is in imminent danger;

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

6 (14) of real property or a person on real property that  
7 is within 25 miles of the United States border;

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

12 (16) of public real property or a person on that  
13 property;

14 (17) if the image is captured by the owner or operator  
15 of an oil, gas, water, or other pipeline for the purpose of  
16 inspecting, maintaining, or repairing pipelines or other related  
17 facilities, and is captured without the intent to conduct  
18 surveillance on an individual or real property located in this  
19 state;

20 (18) in connection with oil pipeline safety and rig  
21 protection; [~~or~~]

22 (19) in connection with port authority surveillance  
23 and security;

24 (20) if the image is captured by a Texas licensed  
25 surveyor in connection with the practice of professional surveying,  
26 as defined by Section 1071.002, Occupations Code, provided that no  
27 individual is identifiable in the image; or

1           (21) if the image is captured by a Texas licensed  
2 engineer in connection with the practice of engineering, as defined  
3 by Section 1001.003, Occupations Code, provided that no individual  
4 is identifiable in the image.

5           SECTION 2. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13           SECTION 3. This Act takes effect September 1, 2015.