

SENATE AMENDMENTS

2nd Printing

By: Murphy, Herrero, Deshotel, Fletcher,
Phillips

H.B. No. 1481

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting the operation of an unmanned aircraft over
3 certain facilities; creating a criminal offense.

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

5 SECTION 1. Chapter 423, Government Code, is amended by
6 adding Section 423.0045 to read as follows:

7 Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
8 CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

9 (1) "Critical infrastructure facility" means one of
10 the following, if completely enclosed by a fence or other physical
11 barrier that is obviously designed to exclude intruders, or if
12 clearly marked with a sign or signs that are posted on the property,
13 are reasonably likely to come to the attention of intruders, and
14 indicate that entry is forbidden:

15 (A) a petroleum or alumina refinery;

16 (B) an electrical power generating facility,
17 substation, switching station, or electrical control center;

18 (C) an above-ground oil, gas, or chemical
19 pipeline;

20 (D) a chemical, polymer, or rubber manufacturing
21 facility;

22 (E) a water intake structure, water treatment
23 facility, wastewater treatment plant, or pump station;

24 (F) a natural gas compressor station;

1 (G) a liquid natural gas terminal or storage
2 facility;

3 (H) a telecommunications central switching
4 office;

5 (I) a port, railroad switching yard, trucking
6 terminal, or other freight transportation facility;

7 (J) a gas processing plant, including a plant
8 used in the processing, treatment, or fractionation of natural gas;

9 (K) a transmission facility used by a federally
10 licensed radio or television station;

11 (L) a steelmaking facility that uses an electric
12 arc furnace to make steel; or

13 (M) a dam that is classified as a high hazard by
14 the Texas Commission on Environmental Quality.

15 (2) "Dam" means any barrier, including any appurtenant
16 structures, that is constructed for the purpose of permanently or
17 temporarily impounding water.

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

20 (1) operates an unmanned aircraft over a critical
21 infrastructure facility and the unmanned aircraft is not higher
22 than 400 feet above ground level;

23 (2) allows an unmanned aircraft to make contact with a
24 critical infrastructure facility, including any person or object on
25 the premises of or within the facility; or

26 (3) allows an unmanned aircraft to come within a
27 distance of a critical infrastructure facility that is close enough

1 to interfere with the operations of or cause a disturbance to the
2 facility.

3 (c) This section does not apply to conduct described by
4 Subsection (b) that is committed by:

5 (1) the federal government, the state, or a
6 governmental entity;

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

10 (3) a law enforcement agency;

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

13 (5) an owner or operator of the critical
14 infrastructure facility;

15 (6) a person under contract with or otherwise acting
16 under the direction or on behalf of an owner or operator of the
17 critical infrastructure facility;

18 (7) a person who has the prior written consent of the
19 owner or operator of the critical infrastructure facility; or

20 (8) an operator of an unmanned aircraft that is being
21 used for a commercial purpose, if the operator is authorized by the
22 Federal Aviation Administration to conduct operations over that
23 airspace.

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. This Act takes effect September 1, 2015.

ADOPTED

MAY 24 2015

Lacey Spaul
Secretary of the Senate

By: *Representative Murphy, Senator Birdwell*

H.B. No. 1481

Substitute the following for H.B. No. 1481:

By: *Brian Birdwell*

C.S. H.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the operation of an unmanned aircraft over
3 certain facilities; creating a criminal offense.

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

5 SECTION 1. Chapter 423, Government Code, is amended by
6 adding Section 423.0045 to read as follows:

7 Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER
8 CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

9 (1) "Critical infrastructure facility" means:

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

15 (i) a petroleum or alumina refinery;

16 (ii) an electrical power generating
17 facility, substation, switching station, or electrical control
18 center;

19 (iii) a chemical, polymer, or rubber
20 manufacturing facility;

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

23 (v) a natural gas compressor station;

24 (vi) a liquid natural gas terminal or

1 storage facility;

2 (vii) a telecommunications central
3 switching office;

4 (viii) a port, railroad switching yard,
5 trucking terminal, or other freight transportation facility;

6 (ix) a gas processing plant, including a
7 plant used in the processing, treatment, or fractionation of
8 natural gas;

9 (x) a transmission facility used by a
10 federally licensed radio or television station;

11 (xi) a steelmaking facility that uses an
12 electric arc furnace to make steel; or

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

15 (B) any portion of an aboveground oil, gas, or
16 chemical pipeline that is enclosed by a fence or other physical
17 barrier that is obviously designed to exclude intruders.

18 (2) "Dam" means any barrier, including any appurtenant
19 structures, that is constructed for the purpose of permanently or
20 temporarily impounding water.

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

23 (1) operates an unmanned aircraft over a critical
24 infrastructure facility and the unmanned aircraft is not higher
25 than 400 feet above ground level;

26 (2) allows an unmanned aircraft to make contact with a
27 critical infrastructure facility, including any person or object on

1 the premises of or within the facility; or

2 (3) allows an unmanned aircraft to come within a
3 distance of a critical infrastructure facility that is close enough
4 to interfere with the operations of or cause a disturbance to the
5 facility.

6 (c) This section does not apply to conduct described by
7 Subsection (b) that is committed by:

8 (1) the federal government, the state, or a
9 governmental entity;

10 (2) a person under contract with or otherwise acting
11 under the direction or on behalf of the federal government, the
12 state, or a governmental entity;

13 (3) a law enforcement agency;

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

16 (5) an owner or operator of the critical
17 infrastructure facility;

18 (6) a person under contract with or otherwise acting
19 under the direction or on behalf of an owner or operator of the
20 critical infrastructure facility;

21 (7) a person who has the prior written consent of the
22 owner or operator of the critical infrastructure facility;

23 (8) the owner or occupant of the property on which the
24 critical infrastructure facility is located or a person authorized
25 by the owner or occupant of the property to be on that property; or

26 (9) an operator of an unmanned aircraft that is being
27 used for a commercial purpose, if the operator is authorized by the

1 Federal Aviation Administration to conduct operations over that
2 airspace.

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

6 SECTION 2. This Act takes effect September 1, 2015.

ADOPTED

MAY 24 2015

Lacey Spaw
Secretary of the Senate

FLOOR AMENDMENT

FLOOR AMENDMENT NO. 1

BY: *Sam Swadwell*

1 Amend C.S.H.B. No. 1481 (senate committee printing) in
2 SECTION 1 of the bill, in added Section 423.0045(c)(8), Government
3 Code (page 2, lines 34 and 35), by striking "authorized by the owner
4 or occupant of the property to be on" and substituting "who has the
5 prior written consent of the owner or occupant of".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 25, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1481** by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **Committee Report 2nd House, Substituted**

<p>No fiscal implication to the State is anticipated.</p>
--

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 13, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of a critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 29, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 6, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of knowingly operating an unmanned aircraft over certain facilities and the aircraft is not higher than 400 feet above ground level. The bill provides exceptions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, KJo, SD, EK