

## **BILL ANALYSIS**

H.B. 1424  
By: Murphy  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerned observers note a lack of restrictions on drone flights above correctional facilities, detention facilities, and large-capacity sports venues in Texas. H.B. 1424 seeks to address security concerns by restricting the unauthorized operation of unmanned aircraft over these facilities and venues.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1424 amends the Government Code to expand the conduct that constitutes an offense involving the unlawful operation of an unmanned aircraft over certain facilities to include intentionally or knowingly operating an unmanned aircraft not higher than 400 feet above ground level over a correctional facility or detention facility; allowing an unmanned aircraft to make contact with a correctional facility or detention facility, including any person or object on the premises of or within the facility; or allowing an unmanned aircraft to come within a distance of a correctional facility or detention facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill exempts the following actors from the application of the offense involving the unlawful operation of an unmanned aircraft over a correctional or detention facility: the federal government, the state, a governmental entity, or a law enforcement agency; a person under contract with or otherwise acting under the direction or on behalf of any of those entities; and an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace. The bill defines "correctional facility" as a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice, a municipal or county jail, or a confinement facility operated by or under contract with the Federal Bureau of Prisons and defines "detention facility" as a facility operated by or under contract with U.S. Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings. The bill enhances the penalty for an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense created by the bill for the unlawful operation of an unmanned aircraft over a sports venue.

H.B. 1424 creates a Class B misdemeanor offense for a person who operates an unmanned aircraft not higher than 400 feet above ground level over a sports venue, defined by the bill as an arena, automobile racetrack, coliseum, stadium, or other type of area or facility that has a seating capacity of 30,000 or more people and is primarily used for one or more professional or amateur sports or athletics events. The bill exempts the following actors from application of the offense: the federal government, the state, a governmental entity, or a law enforcement agency; a person under contract with or otherwise acting under the direction or on behalf of any of those entities; an operator of an unmanned aircraft that is being used for a commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over the airspace; an owner or operator of the sports venue; a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; and a person who has the prior written consent of the owner or operator of the sports venue. The bill enhances the penalty for such an offense from a Class B misdemeanor to a Class A misdemeanor if the actor has previously been convicted of the offense or of an offense involving the unlawful operation of an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility.

**EFFECTIVE DATE**

September 1, 2017.