

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 840
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Veteran Affairs & Border Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits the use of an unmanned aircraft to capture an image of an individual or privately owned real property in this state "with the intent to conduct surveillance on the individual or property captured in the image." The introduced version of the bill that created this provision—H.B. 912, 83rd Legislature, Regular Session, 2013—included an exception which provided that it would be a "defense to prosecution" that an image was captured within 25 miles of the border "for the sole purpose of enforcing border laws." Oddly, however, the version of the bill that ultimately passed, and the current law today, break this exception in two: current law contains a law-enforcement exception and a blanket exception for images captured within 25 miles of the border, regardless of purpose. Under current law, then, it would appear to be entirely lawful for any person for any reason to "use an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image," provided the person or property is within 25 miles of the border.

It is difficult to conceive of any legitimate policy goal that would justify subjecting the more-than one million Texans living near the border to arbitrary drone surveillance of themselves or their properties, especially because any legitimate border security operation would be covered by the current law enforcement exception. Accordingly, S.B. 840 would strike this needless and discriminatory exception from the current law. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 840 amends current law relating to certain images captured by an unmanned aircraft.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 423.002(a), Government Code, as follows:

(a) Provides that it is lawful to capture an image using an unmanned aircraft in this state if the image is captured by a law enforcement authority or certain persons associated with a law enforcement authority of real property or a person on real property that is within 25 miles of the United States border for the sole purpose of ensuring border security. Deletes existing Subdivision (14) providing that it is lawful to capture an image using an unmanned aircraft in this state of real property or a person on real property that is within 25 miles of the United States border, and redesignates the following existing subdivisions accordingly. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.