

1-1 By: Springer (Senate Sponsor - Seliger) H.B. No. 1643
 1-2 (In the Senate - Received from the House May 12, 2017;
 1-3 May 12, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1643 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the prosecution of the criminal offense of operation of
 1-22 an unmanned aircraft over certain facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 423.0045(a)(1), Government Code, is
 1-25 amended to read as follows:

1-26 (1) "Critical infrastructure facility" means:

1-27 (A) one of the following, if completely enclosed
 1-28 by a fence or other physical barrier that is obviously designed to
 1-29 exclude intruders, or if clearly marked with a sign or signs that
 1-30 are posted on the property, are reasonably likely to come to the
 1-31 attention of intruders, and indicate that entry is forbidden:

1-32 (i) a petroleum or alumina refinery;

1-33 (ii) an electrical power generating
 1-34 facility, substation, switching station, or electrical control
 1-35 center;

1-36 (iii) a chemical, polymer, or rubber
 1-37 manufacturing facility;

1-38 (iv) a water intake structure, water
 1-39 treatment facility, wastewater treatment plant, or pump station;

1-40 (v) a natural gas compressor station;

1-41 (vi) a liquid natural gas terminal or
 1-42 storage facility;

1-43 (vii) a telecommunications central
 1-44 switching office or any structure used as part of a system to
 1-45 provide wired or wireless telecommunications services;

1-46 (viii) a port, railroad switching yard,
 1-47 trucking terminal, or other freight transportation facility;

1-48 (ix) a gas processing plant, including a
 1-49 plant used in the processing, treatment, or fractionation of
 1-50 natural gas;

1-51 (x) a transmission facility used by a
 1-52 federally licensed radio or television station;

1-53 (xi) a steelmaking facility that uses an
 1-54 electric arc furnace to make steel; ~~or~~

1-55 (xii) a dam that is classified as a high
 1-56 hazard by the Texas Commission on Environmental Quality; or

1-57 (xiii) a concentrated animal feeding
 1-58 operation, as defined by Section 26.048, Water Code; or

1-59 (B) if enclosed by a fence or other physical
 1-60 barrier obviously designed to exclude intruders;

- 2-1 (i) any portion of an aboveground oil, gas,
- 2-2 or chemical pipeline;
- 2-3 (ii) an oil or gas drilling site;
- 2-4 (iii) a group of tanks used to store crude
- 2-5 oil, such as a tank battery;
- 2-6 (iv) an oil, gas, or chemical production
- 2-7 facility;
- 2-8 (v) an oil or gas wellhead; or
- 2-9 (vi) any oil and gas facility that has an
- 2-10 active flare [~~that is enclosed by a fence or other physical barrier~~
- 2-11 ~~that is obviously designed to exclude intruders~~].

2-12 SECTION 2. Section 423.0045(c), Government Code, is amended

2-13 to read as follows:

2-14 (c) This section does not apply to conduct described by

2-15 Subsection (b) that is committed by:

2-16 (1) the federal government, the state, or a

2-17 governmental entity;

2-18 (2) a person under contract with or otherwise acting

2-19 under the direction or on behalf of the federal government, the

2-20 state, or a governmental entity;

2-21 (3) a law enforcement agency;

2-22 (4) a person under contract with or otherwise acting

2-23 under the direction or on behalf of a law enforcement agency;

2-24 (5) an owner or operator of the critical

2-25 infrastructure facility;

2-26 (6) a person under contract with or otherwise acting

2-27 under the direction or on behalf of an owner or operator of the

2-28 critical infrastructure facility;

2-29 (7) a person who has the prior written consent of the

2-30 owner or operator of the critical infrastructure facility;

2-31 (8) the owner or occupant of the property on which the

2-32 critical infrastructure facility is located or a person who has the

2-33 prior written consent of the owner or occupant of that property; or

2-34 (9) an operator of an unmanned aircraft that is being

2-35 used for a commercial purpose, if the operation is conducted in

2-36 compliance with:

2-37 (A) each applicable Federal Aviation

2-38 Administration rule, restriction, or exemption; and

2-39 (B) all required Federal Aviation Administration

2-40 authorizations [~~operator is authorized by the Federal Aviation~~

2-41 ~~Administration to conduct operations over that airspace~~].

2-42 SECTION 3. The change in law made by this Act applies only

2-43 to an offense committed on or after the effective date of this Act.

2-44 An offense committed before the effective date of this Act is

2-45 governed by the law in effect on the date the offense was committed,

2-46 and the former law is continued in effect for that purpose. For

2-47 purposes of this section, an offense was committed before the

2-48 effective date of this Act if any element of the offense occurred

2-49 before that date.

2-50 SECTION 4. This Act takes effect September 1, 2017.

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