

By: Zaffirini, et al.

S.B. No. 840

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 the purpose of professional or scholarly research and development or for another academic purpose by a person acting on behalf of an institution of higher education or a private or independent institution of higher education, as those terms are 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

1 purposes of mapping;

2 (5) if the image is captured by or for an electric or
3 natural gas utility:

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

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

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

12 (D) for utility facility routing and siting for
13 the purpose of providing utility service;

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

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

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

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

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

27 (C) for the purpose of investigating the scene

1 of:

2 (i) a human fatality;

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

5 (iii) any motor vehicle accident on a state
6 highway or federal interstate or highway;

7 (D) in connection with the search for a missing
8 person;

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

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

14 (G) of real property or a person on real property
15 that is within 25 miles of the United States border for the sole
16 purpose of ensuring border security;

17 (9) if the image is captured by state or local law
18 enforcement authorities, or a person who is under contract with or
19 otherwise acting under the direction or on behalf of state
20 authorities, for the purpose of:

21 (A) surveying the scene of a catastrophe or other
22 damage to determine whether a state of emergency should be
23 declared;

24 (B) preserving public safety, protecting
25 property, or surveying damage or contamination during a lawfully
26 declared state of emergency; or

27 (C) conducting routine air quality sampling and

1 monitoring, as provided by state or local law;

2 (10) at the scene of a spill, or a suspected spill, of
3 hazardous materials;

4 (11) for the purpose of fire suppression;

5 (12) for the purpose of rescuing a person whose life or
6 well-being is in imminent danger;

7 (13) if the image is captured by a Texas licensed real
8 estate broker in connection with the marketing, sale, or financing
9 of real property, provided that no individual is identifiable in
10 the image;

11 (14) [~~of real property or a person on real property~~
12 ~~that is within 25 miles of the United States border,~~

13 [~~(15)~~] from a height no more than eight feet above
14 ground level in a public place, if the image was captured without
15 using any electronic, mechanical, or other means to amplify the
16 image beyond normal human perception;

17 (15) [~~(16)~~] of public real property or a person on
18 that property;

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

25 (17) [~~(18)~~] in connection with oil pipeline safety and
26 rig protection;

27 (18) [~~(19)~~] in connection with port authority

1 surveillance and security;

2 (19) [~~(20)~~] if the image is captured by a registered
3 professional land surveyor in connection with the practice of
4 professional surveying, as those terms are defined by Section
5 [1071.002](#), Occupations Code, provided that no individual is
6 identifiable in the image; or

7 (20) [~~(21)~~] if the image is captured by a professional
8 engineer licensed under Subchapter G, Chapter [1001](#), Occupations
9 Code, in connection with the practice of engineering, as defined by
10 Section [1001.003](#), Occupations Code, provided that no individual is
11 identifiable in the image.

12 SECTION 2. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 3. This Act takes effect September 1, 2017.