

## **BILL ANALYSIS**

Senate Research Center  
86R13544 JCG-F

H.B. 3082  
By: Murphy (Birdwell)  
Criminal Justice  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Citing recent drone incidents that potentially pose security and safety risks to infrastructure facilities and recent federal regulations imposed on drones, there have been calls to update state law regarding the offense of operating an unmanned aircraft over or near a correctional facility, a detention facility, or a critical infrastructure facility to improve enforcement and increase infrastructure security. H.B. 3082 seeks to do so by changing the requisite intent for conduct constituting such an offense.

H.B. 3082 amends current law relating to investigating and prosecuting the criminal offense of operating an unmanned aircraft over or near certain facilities.

### **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 423.0045, Government Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Provides that a person commits an offense if the person with criminal negligence, rather than providing that a person commits an offense if the person intentionally or knowingly, takes certain actions while operating an unmanned aircraft near a correctional facility.

(e) Requires a peace officer who investigates an offense under this section (Offense: Operation of Unmanned Aircraft Over Correctional Facility, Detention Facility, or Critical Infrastructure Facility) to notify the Department of Public Safety of the State of Texas (DPS) of the investigation. Requires DPS to require further information from the officer as DPS determines necessary.

SECTION 2. Makes application of Section 423.0045, Government Code, as amended by this Act, prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.