

BILL ANALYSIS

C.S.S.B. 59
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State law generally prohibits the use of unmanned aircraft, such as drones, to capture images, with certain authorized exceptions. There have been calls to expand those exceptions to include the capturing of an image for purposes of disaster preparedness, providing 9-1-1 service or a certain mapping project or service, or assessing unsafe environmental conditions when physical entry onto the property is unsafe. C.S.S.B. 59 seeks to make the capturing of those images lawful under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.S.B. 59 amends the Government Code to make lawful the capturing of an image using an unmanned aircraft in Texas if the image:

- is captured for the purpose of disaster preparedness, including for the inspection, maintenance, or repair of public infrastructure, by a county or a person who is under contract with or otherwise acting under the direction or on behalf of a county;
- is captured by a governmental entity or a person contracted by or under the direction of a governmental entity for the purpose of the provision of 9-1-1 service or a mapping project or service other than a project or service for a law enforcement purpose; or
- is captured by a state agency or local health authority in response to an inspection, or attempted inspection, on commercial property or to a disaster for the purpose of assessing unsafe environmental conditions when physical entry onto the property is unsafe due to conditions such as an abandoned swimming pool, illegal dumping of refuse, or a chemical leak or spill, provided that the agency or authority:
 - provides notice to the owner or manager of the property, as applicable, before the agency or authority captures the image; or
 - determines that conditions on the property are an imminent threat to public health.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 59 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not make lawful under certain conditions the capturing of an image using an unmanned aircraft while delivering consumer goods at the point of delivery for the purpose of confirming delivery of those goods.

The substitute makes lawful instead the capturing of certain images using an unmanned aircraft for the following purposes by specified entities and under specified conditions:

- assessing unsafe environmental conditions when physical entry onto the property is unsafe;
- disaster preparedness, including for the inspection, maintenance, or repair of public infrastructure;
- the provision of 9-1-1 service; and
- a mapping project or service other than a project or service for a law enforcement purpose.