

By: Whitmire

S.B. No. 1701

A BILL TO BE ENTITLED

AN ACT

relating to the operation of unmanned aircraft over certain facilities; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 423, Government Code, is amended by adding Section 423.0047 to read as follows:

Sec. 423.0047. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER OR NEAR SCHOOL. (a) In this section, "school" means any instructional or noninstructional facility owned or operated by:

(1) a public or private elementary or secondary school; or

(2) 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.

(b) A person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over a school or within 1,000 feet of the school.

(c) This section does not apply to conduct described by Subsection (b) that is committed by:

(1) the federal government, the state, or a governmental entity;

(2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;

1 (3) a law enforcement agency that provides to a school
2 prior notice of the agency's operation of an unmanned aircraft over
3 or near the school;

4 (4) a person under contract with or otherwise acting
5 under the direction or on behalf of a law enforcement agency that
6 provides prior notice as described by Subdivision (3);

7 (5) an operator of an unmanned aircraft that is being
8 used for a commercial purpose, if the operation is conducted in
9 compliance with:

10 (A) each applicable Federal Aviation
11 Administration rule, restriction, or exemption; and

12 (B) all required Federal Aviation Administration
13 authorizations;

14 (6) a person under contract with or otherwise acting
15 under the direction or on behalf of the governing body of the
16 school; or

17 (7) a person who has the prior written consent of the
18 person who is primarily responsible for the security of the school.

19 (d) An offense under this section is a Class B misdemeanor,
20 except that the offense is a Class A misdemeanor if the actor has
21 previously been convicted under this section or Section [423.0045](#) or
22 [423.0046](#).

23 SECTION 2. Section [423.0045](#)(d), Government Code, is amended
24 to read as follows:

25 (d) An offense under this section is a Class B misdemeanor,
26 except that the offense is a Class A misdemeanor if the actor has
27 previously been convicted under this section or Section [423.0046](#) or

1 423.0047.

2 SECTION 3. Section 423.0046(d), Government Code, is amended
3 to read as follows:

4 (d) An offense under this section is a Class B misdemeanor,
5 except that the offense is a Class A misdemeanor if the actor has
6 previously been convicted under this section or Section 423.0045 or
7 423.0047.

8 SECTION 4. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 5. This Act takes effect September 1, 2019.