

By: Powell, et al.

S.B. No. 2299

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of operation of an unmanned aircraft over certain facilities.

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

SECTION 1. Section 423.0045(a)(1), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(1) "Correctional facility" means:

(A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;

(B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

SECTION 2. Section 423.0045(a)(1-a), Government Code, is reenacted to conform to the changes made to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B. 1643), Acts of the 85th Legislature, Regular Session, 2017, and is further amended to read as follows:

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

(A) one of the following, if completely enclosed

1 by a fence or other physical barrier that is obviously designed to
2 exclude intruders, or if clearly marked with a sign or signs that
3 are posted on the property, are reasonably likely to come to the
4 attention of intruders, and indicate that entry is forbidden:

5 (i) a petroleum or alumina refinery;

6 (ii) an electrical power generating
7 facility, substation, switching station, or electrical control
8 center;

9 (iii) a chemical, polymer, or rubber
10 manufacturing facility;

11 (iv) a water intake structure, water
12 treatment facility, wastewater treatment plant, or pump station;

13 (v) a natural gas compressor station;

14 (vi) a liquid natural gas terminal or
15 storage facility;

16 (vii) a telecommunications central
17 switching office or any structure used as part of a system to
18 provide wired or wireless telecommunications services;

19 (viii) a port, railroad switching yard,
20 trucking terminal, or other freight transportation facility;

21 (ix) a gas processing plant, including a
22 plant used in the processing, treatment, or fractionation of
23 natural gas;

24 (x) a transmission facility used by a
25 federally licensed radio or television station;

26 (xi) a steelmaking facility that uses an
27 electric arc furnace to make steel;

1 (xii) a dam that is classified as a high
2 hazard by the Texas Commission on Environmental Quality; [~~or~~]

3 (xiii) a concentrated animal feeding
4 operation, as defined by Section 26.048, Water Code; or

5 (xiv) a military installation owned or
6 operated by or for the federal government, the state, or another
7 governmental entity; or

8 (B) if enclosed by a fence or other physical
9 barrier obviously designed to exclude intruders:

10 (i) any portion of an aboveground oil, gas,
11 or chemical pipeline;

12 (ii) an oil or gas drilling site;

13 (iii) a group of tanks used to store crude
14 oil, such as a tank battery;

15 (iv) an oil, gas, or chemical production
16 facility;

17 (v) an oil or gas wellhead; or

18 (vi) any oil and gas facility that has an
19 active flare.

20 SECTION 3. Section 423.0045(c), Government Code, as amended
21 by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th
22 Legislature, Regular Session, 2017, is reenacted to read as
23 follows:

24 (c) This section does not apply to:

25 (1) conduct described by Subsection (b) that involves
26 a correctional facility, detention facility, or critical
27 infrastructure facility and is committed by:

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

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

6 (C) a law enforcement agency;

7 (D) a person under contract with or otherwise
8 acting under the direction or on behalf of a law enforcement agency;
9 or

10 (E) an operator of an unmanned aircraft that is
11 being used for a commercial purpose, if the operation is conducted
12 in compliance with:

13 (i) each applicable Federal Aviation
14 Administration rule, restriction, or exemption; and

15 (ii) all required Federal Aviation
16 Administration authorizations; or

17 (2) conduct described by Subsection (b) that involves
18 a critical infrastructure facility and is committed by:

19 (A) an owner or operator of the critical
20 infrastructure facility;

21 (B) a person under contract with or otherwise
22 acting under the direction or on behalf of an owner or operator of
23 the critical infrastructure facility;

24 (C) a person who has the prior written consent of
25 the owner or operator of the critical infrastructure facility; or

26 (D) the owner or occupant of the property on
27 which the critical infrastructure facility is located or a person

1 who has the prior written consent of the owner or occupant of that
2 property.

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

11 SECTION 5. To the extent of any conflict, this Act prevails
12 over another Act of the 86th Legislature, Regular Session, 2019,
13 relating to nonsubstantive additions to and corrections in enacted
14 codes.

15 SECTION 6. This Act takes effect September 1, 2019.