

1-1 By: Powell S.B. No. 2299
 1-2 (In the Senate - Filed March 8, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on Veteran Affairs & Border
 1-4 Security; April 9, 2019, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; April 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the prosecution of the offense of operation of an
 1-18 unmanned aircraft over certain facilities.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 423.0045(a)(1), Government Code, as
 1-21 amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of
 1-22 the 85th Legislature, Regular Session, 2017, is reenacted to read
 1-23 as follows:

1-24 (1) "Correctional facility" means:

1-25 (A) a confinement facility operated by or under
 1-26 contract with any division of the Texas Department of Criminal
 1-27 Justice;

1-28 (B) a municipal or county jail;

1-29 (C) a confinement facility operated by or under
 1-30 contract with the Federal Bureau of Prisons; or

1-31 (D) a secure correctional facility or secure
 1-32 detention facility, as defined by Section 51.02, Family Code.

1-33 SECTION 2. Section 423.0045(a)(1-a), Government Code, is
 1-34 reenacted to conform to the changes made to Section 423.0045(a)(1),
 1-35 Government Code, by Chapter 824 (H.B. 1643), Acts of the 85th
 1-36 Legislature, Regular Session, 2017, and is further amended to read
 1-37 as follows:

1-38 (1-a) "Critical infrastructure facility" means:

1-39 (A) one of the following, if completely enclosed
 1-40 by a fence or other physical barrier that is obviously designed to
 1-41 exclude intruders, or if clearly marked with a sign or signs that
 1-42 are posted on the property, are reasonably likely to come to the
 1-43 attention of intruders, and indicate that entry is forbidden:

1-44 (i) a petroleum or alumina refinery;

1-45 (ii) an electrical power generating
 1-46 facility, substation, switching station, or electrical control
 1-47 center;

1-48 (iii) a chemical, polymer, or rubber
 1-49 manufacturing facility;

1-50 (iv) a water intake structure, water
 1-51 treatment facility, wastewater treatment plant, or pump station;

1-52 (v) a natural gas compressor station;

1-53 (vi) a liquid natural gas terminal or
 1-54 storage facility;

1-55 (vii) a telecommunications central
 1-56 switching office or any structure used as part of a system to
 1-57 provide wired or wireless telecommunications services;

1-58 (viii) a port, railroad switching yard,
 1-59 trucking terminal, or other freight transportation facility;

1-60 (ix) a gas processing plant, including a
 1-61 plant used in the processing, treatment, or fractionation of

- 2-1 natural gas;
- 2-2 (x) a transmission facility used by a
- 2-3 federally licensed radio or television station;
- 2-4 (xi) a steelmaking facility that uses an
- 2-5 electric arc furnace to make steel;
- 2-6 (xii) a dam that is classified as a high
- 2-7 hazard by the Texas Commission on Environmental Quality; [~~or~~]
- 2-8 (xiii) a concentrated animal feeding
- 2-9 operation, as defined by Section 26.048, Water Code; or
- 2-10 (xiv) a military installation owned or
- 2-11 operated by or for the federal government, the state, or another
- 2-12 governmental entity; or
- 2-13 (B) if enclosed by a fence or other physical
- 2-14 barrier obviously designed to exclude intruders:
- 2-15 (i) any portion of an aboveground oil, gas,
- 2-16 or chemical pipeline;
- 2-17 (ii) an oil or gas drilling site;
- 2-18 (iii) a group of tanks used to store crude
- 2-19 oil, such as a tank battery;
- 2-20 (iv) an oil, gas, or chemical production
- 2-21 facility;
- 2-22 (v) an oil or gas wellhead; or
- 2-23 (vi) any oil and gas facility that has an
- 2-24 active flare.

2-25 SECTION 3. Section 423.0045(c), Government Code, as amended
 2-26 by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th
 2-27 Legislature, Regular Session, 2017, is reenacted to read as
 2-28 follows:

- 2-29 (c) This section does not apply to:
- 2-30 (1) conduct described by Subsection (b) that involves
- 2-31 a correctional facility, detention facility, or critical
- 2-32 infrastructure facility and is committed by:
- 2-33 (A) the federal government, the state, or a
- 2-34 governmental entity;
- 2-35 (B) a person under contract with or otherwise
- 2-36 acting under the direction or on behalf of the federal government,
- 2-37 the state, or a governmental entity;
- 2-38 (C) a law enforcement agency;
- 2-39 (D) a person under contract with or otherwise
- 2-40 acting under the direction or on behalf of a law enforcement agency;
- 2-41 or
- 2-42 (E) an operator of an unmanned aircraft that is
- 2-43 being used for a commercial purpose, if the operation is conducted
- 2-44 in compliance with:
- 2-45 (i) each applicable Federal Aviation
- 2-46 Administration rule, restriction, or exemption; and
- 2-47 (ii) all required Federal Aviation
- 2-48 Administration authorizations; or
- 2-49 (2) conduct described by Subsection (b) that involves
- 2-50 a critical infrastructure facility and is committed by:
- 2-51 (A) an owner or operator of the critical
- 2-52 infrastructure facility;
- 2-53 (B) a person under contract with or otherwise
- 2-54 acting under the direction or on behalf of an owner or operator of
- 2-55 the critical infrastructure facility;
- 2-56 (C) a person who has the prior written consent of
- 2-57 the owner or operator of the critical infrastructure facility; or
- 2-58 (D) the owner or occupant of the property on
- 2-59 which the critical infrastructure facility is located or a person
- 2-60 who has the prior written consent of the owner or occupant of that
- 2-61 property.

2-62 SECTION 4. The change in law made by this Act applies only
 2-63 to an offense committed on or after the effective date of this Act.
 2-64 An offense committed before the effective date of this Act is
 2-65 governed by the law in effect on the date the offense was committed,
 2-66 and the former law is continued in effect for that purpose. For
 2-67 purposes of this section, an offense was committed before the
 2-68 effective date of this Act if any element of the offense occurred
 2-69 before that date.

3-1 SECTION 5. To the extent of any conflict, this Act prevails
3-2 over another Act of the 86th Legislature, Regular Session, 2019,
3-3 relating to nonsubstantive additions to and corrections in enacted
3-4 codes.

3-5 SECTION 6. This Act takes effect September 1, 2019.

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