

By: Krause

H.B. No. 1758

A BILL TO BE ENTITLED

AN ACT

relating to the operation and use of an unmanned aircraft; 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 423.0044 to read as follows:

Sec. 423.0044. OFFENSE: OPERATION OF UNMANNED AIRCRAFT
EQUIPPED WITH CERTAIN WEAPONS. (a) In this section:

(1) "Chemical dispensing device," "explosive weapon,"
"firearm," and "improvised explosive device" have the meanings
assigned by Section 46.01, Penal Code.

(2) "State military forces" has the meaning assigned
by Section 437.001.

(b) A person commits an offense if the person operates an
unmanned aircraft that is equipped with a chemical dispensing
device, an explosive weapon, an improvised explosive device, or a
firearm.

(c) An offense under this section is a Class A misdemeanor.

(d) It is a defense to prosecution under this section that:

(1) the actor is the owner or occupant of the real
property over which the unmanned aircraft was operated or the actor
received the prior written consent of the owner or occupant of that
property;

(2) the unmanned aircraft was operated in the course

1 of the actor's actual discharge of official duties as a member of
2 the United States armed forces or the state military forces; or

3 (3) the unmanned aircraft was:

4 (A) equipped only with a chemical dispensing
5 device or with a firearm containing nonlethal rounds; and

6 (B) operated in the course of the actor's actual
7 discharge of official duties as a peace officer.

8 (e) If conduct that constitutes an offense under this
9 section also constitutes an offense under any other law, the actor
10 may be prosecuted under this section, the other law, or both.

11 SECTION 2. Subchapter E, Chapter 9, Penal Code, is amended
12 by adding Section 9.54 to read as follows:

13 Sec. 9.54. USE OF UNMANNED AIRCRAFT. (a) Notwithstanding
14 any other law, the use of force involving an unmanned aircraft is
15 justified under this subchapter only if:

16 (1) the actor's use of force:

17 (A) would have been justified under another
18 provision of this subchapter; and

19 (B) did not involve the use of deadly force; and

20 (2) before the actor's use of force occurred, the
21 governor, on a case-by-case basis, specifically approved the
22 actor's use of force by means of an unmanned aircraft.

23 (b) Notwithstanding any other law, the use of deadly force
24 involving an unmanned aircraft is not justified under this
25 subchapter.

26 SECTION 3. Section 9.54, Penal Code, as added by this Act,
27 applies only to an offense committed on or after the effective date

1 of this Act. An offense committed before the effective date of this
2 Act is governed by the law in effect on the date the offense was
3 committed, and the former law is continued in effect for that
4 purpose. For purposes of this section, an offense was committed
5 before the effective date of this Act if any element of the offense
6 occurred before that date.

7 SECTION 4. This Act takes effect September 1, 2021.