

House Bill 1758
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1) "Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

(A) is controlled remotely by a human operator; or

(B) operates autonomously through computer software or other programming.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency shall:

(1) adopt a written policy regarding the agency's use of force by means of a drone and update the policy as necessary; and

(2) not later than January 1 of each even-numbered year, submit the policy to the Texas Commission on Law Enforcement in the manner prescribed by the commission.

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

Sec. 9.54. LIMITATION ON USE OF FORCE BY DRONE.

(a) In this section:

(1) "Autonomous drone" means a drone that operates autonomously through computer software or other programming.

(2) "Drone" and "law enforcement agency" have the meanings assigned by Article 2.33, Code of Criminal Procedure.

SENATE VERSION (IE)

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1) "Drone" means an unmanned aircraft that: [FA2]

(A) is controlled remotely by a human operator; or

(B) operates autonomously through computer software or other programming.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall: [FA1(1)]

(1) adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and [FA1(2)]

(2) not later than January 1 of each even-numbered year, submit the policy to the Texas Commission on Law Enforcement in the manner prescribed by the commission.

SECTION 2. Same as House version.

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(b) Notwithstanding any other law, the use of force, including deadly force, involving a drone is justified under this subchapter only if:

(1) at the time the use of force occurred, the actor was employed by a law enforcement agency;

(2) the use of force:

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

(B) did not involve the use of deadly force by means of an autonomous drone; and

(3) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to the Texas Commission on Law Enforcement a policy on the agency's use of force by means of a drone, as required by Article 2.33, Code of Criminal Procedure, and the use of force conformed to the requirements of that policy.

SECTION 3. Not later than January 1, 2022, each law enforcement agency in this state shall:

(1) adopt the policy required by Article 2.33, Code of Criminal Procedure, as added by this Act; and

(2) submit the policy to the Texas Commission on Law Enforcement as required by that article.

SECTION 4. Section 9.54, Penal Code, as added by this Act, applies only to an offense committed on or after January 1, 2022. An offense committed before January 1, 2022, is

SENATE VERSION (IE)

SECTION 3. Not later than January 1, 2022, each law enforcement agency in this state that uses or intends to use a drone, as defined by Article 2.33, Code of Criminal Procedure, as added by this Act, for law enforcement purposes shall: [FA1(3)]

(1) adopt the policy required by Article 2.33, Code of Criminal Procedure, as added by this Act; and

(2) submit the policy to the Texas Commission on Law Enforcement as required by that article.

SECTION 4. Same as House version.

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governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before January 1, 2022, if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2021.

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SECTION 5. Same as House version.

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