

BILL ANALYSIS

C.S.S.B. 423
By: Paxton
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 423 of the Government Code generally prohibits the use of drones in capturing images, with certain exceptions, including for certain compelling government interests. The U.S. military is currently allowed to use drones for operations, exercises, and missions, however the Texas military forces are not. The Texas military forces have mission-ready plans to use drones for search and recovery missions after natural disasters and for monitoring the Texas-Mexico border as part of Operation Border Star. However, under current law these plans are unable to be carried out. C.S.S.B. 423 seeks to authorize the Texas military forces to capture images using unmanned aircraft, such as drones, as part of an operation, exercise, or mission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 423 amends Government Code provisions establishing the circumstances under which it is lawful to capture an image using an unmanned aircraft in Texas to include as a lawfully captured image an image captured as part of an operation, exercise, or mission of the Texas military forces.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 423 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and the substitute include as an image considered to be lawfully captured using an unmanned aircraft an image captured as part of an operation, exercise, or mission of the Texas military forces, the substitute omits the following conditions imposed in the engrossed for the Texas military forces' capturing of an image to be lawful:

- the condition that the operation, exercise, or mission be active duty; and
- the condition that one of the following be true about the image captured:

- the image captured is of real property or a person on real property that is within 25 miles of the U.S. border and the image was captured for the sole purpose of ensuring border security; or
- the image is captured during a lawfully declared state of emergency and in connection with the search for a missing person or a professional engineering operation.