

## **BILL ANALYSIS**

Senate Research Center  
88R18817 JRR-D

C.S.S.B. 423  
By: Paxton  
Border Security  
3/24/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2013, the Texas Legislature passed H.B. 912 that limited the use of unmanned aircraft and the activities of those unmanned aircraft. This is codified in Chapter 423, Government Code.

Chapter 423, Government Code, prohibits the use of capturing images, creating a penalty if a photo is captured. Section 423.002 creates non-applicability uses where the government, for a compelling government interest, can capture images. Included in this list is the United States military for operations, exercises, and missions.

The Texas military forces has mission ready packages that pertain to the use of unmanned aircraft including search and recovery missions after natural disasters and the operation of monitoring devices along the Texas border as part of Operation Border Star. However, state law currently only allows the United States military to operate unmanned aircraft.

S.B. 423 is a narrowly tailored bill allowing the Texas military forces the authority to use unmanned aircraft as part of their mission ready packages and to train for those mission ready packages.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 423 amends current law relating to the use of unmanned aircraft by the Texas military forces.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 423.002(a), Government Code, as follows:

(a) Provides that it is lawful to capture an image using an unmanned aircraft in this state:

(1)-(19) makes no changes to these subdivisions;

(20)-(21) makes nonsubstantive changes to these subdivisions; or

(22) if the image is captured by the Texas military forces, as defined by Section 437.001 (Definitions), pursuant to an active duty operation, exercise, or mission and:

(A) the image is of real property or a person on real property that is within 25 miles of the United States border and the image was captured for the sole purpose of ensuring border security; or

(B) 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.

SECTION 2. Effective date: upon passage or September 1, 2023.