

BILL ANALYSIS

Senate Research Center
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S.B. 1308
By: Hancock
Veteran Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas Government Code 423.0045 governing the use of unmanned aircrafts was nullified by a lawsuit in 2022, and as a result, there are currently no restrictions on flying unmanned aircrafts over military installations and airports. Military installations and airports report instances of suspicious activity of unidentified unmanned aircrafts flying in or around their airspace, posing potential national security threats and air traffic safety hazards.

S.B. 1308 amends the Texas Penal Code by creating an offense for knowingly or intentionally flying an unmanned aircraft over or near a military installation or airport. The penalty for such offense is a Class B misdemeanor, but is heightened to a Class A misdemeanor if the offender has been previously convicted under this section.

As proposed, S.B. 1308 amends current law relating to the operation of an unmanned aircraft over an airport or military installation and creates a criminal offense.

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 Chapter 42, Penal Code, by adding Section 42.15, as follows:

Sec. 42.15. OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR MILITARY INSTALLATION. (a) Defines "airport" and "military installation."

(b) Provides that a person commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over an airport or military installation and the unmanned aircraft is not higher than 400 feet above ground level;

(2) allows an unmanned aircraft to make contact with an airport or military installation, including any person or object on the premises of or within the airport or military installation; or

(3) allows an unmanned aircraft to come within a distance of an airport or military installation that is close enough to interfere with the operations of or cause a disturbance to the airport or military installation.

(c) Provides that it is a defense to prosecution under this section that the conduct described by Subsection (b) was engaged in by:

(1) the federal government, this state, or a governmental entity;

(2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, this state, or a governmental entity;

- (3) a law enforcement agency;
- (4) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;
- (5) an owner or operator of the airport or military installation;
- (6) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the airport or military installation;
- (7) a person who has the prior written consent of the owner or operator of the airport or military installation; or
- (8) the owner or occupant of the property on which the airport or military installation is located or a person who has the prior written consent of the owner or occupant of that property.

(d) Provides that an offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

SECTION 2. Amends Section 423.0045(a)(1-a), Government Code, to redefine "critical infrastructure facility."

SECTION 3. Amends Section 424.001, Government Code, as follows:

Sec. 424.001. DEFINITION. Redefines "critical infrastructure facility."

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.