88R25837 JRR-F

By:  Hancock, et al. S.B. No. 1308

(Geren)

Substitute the following for S.B. No. 1308:

By:  Spiller C.S.S.B. No. 1308

A BILL TO BE ENTITLED

AN ACT

relating to the operation of an unmanned aircraft over an airport or military installation; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 42, Penal Code, is amended by adding Section 42.15 to read as follows:

Sec. 42.15.  OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR MILITARY INSTALLATION. (a) In this section:

(1)  "Airport" has the meaning assigned by Section 22.001, Transportation Code.

(2)  "Military installation" means any military installation owned or operated by or for the federal government, this state, or another governmental entity.

(b)  A person commits an offense if the person intentionally or knowingly:

(1)  operates an unmanned aircraft over an airport or military installation;

(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)  operates an unmanned aircraft in a manner that interferes with the operations of or causes a disturbance to an airport or military installation.

(c)  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 or electronic authorization of:

(A)  the owner or operator of the airport or military installation; or

(B)  the Federal Aviation Administration; 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)  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.  Section 423.0045(a)(1-a), Government Code, is amended to read as follows:

(1-a)  "Critical infrastructure facility" means:

(A)  one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i)  a petroleum or alumina refinery;

(ii)  an electrical power generating facility, substation, switching station, or electrical control center;

(iii)  a chemical, polymer, or rubber manufacturing facility;

(iv)  a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v)  a natural gas compressor station;

(vi)  a liquid natural gas terminal or storage facility;

(vii)  a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;

(viii)  a port, [~~a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration,~~] a railroad switching yard, a trucking terminal, or any other freight transportation facility;

(ix)  a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;

(x)  a transmission facility used by a federally licensed radio or television station;

(xi)  a steelmaking facility that uses an electric arc furnace to make steel;

(xii)  a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or

(xiii)  a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or

[~~(xiv)  a military installation owned or operated by or for the federal government, the state, or another governmental entity; or~~]

(B)  if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

(i)  any portion of an aboveground oil, gas, or chemical pipeline;

(ii)  an oil or gas drilling site;

(iii)  a group of tanks used to store crude oil, such as a tank battery;

(iv)  an oil, gas, or chemical production facility;

(v)  an oil or gas wellhead; or

(vi)  any oil and gas facility that has an active flare.

SECTION 3.  Section 424.001, Government Code, is amended to read as follows:

Sec. 424.001.  DEFINITION. In this chapter, "critical infrastructure facility" has the meaning assigned by Section 423.0045(a)(1-a) and also includes:

(1)  any pipeline transporting oil or gas or the products or constituents of oil or gas; [~~and~~]

(2)  a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration;

(3)  a military installation owned or operated by or for the federal government, this state, or another governmental entity; and

(4)  a facility or pipeline described by this section that is under construction and all equipment and appurtenances used during that construction.

SECTION 4.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is 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 the effective date of this Act if any element of the offense was committed before that date.

SECTION 5.  This Act takes effect September 1, 2023.