

By: Capriglione

H.B. No. 2159

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of operation of an unmanned aircraft over certain facilities.

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

SECTION 1. Section 423.0045(c), Government Code, is amended to read as follows:

(c) This section does not apply to:

(1) conduct described by Subsection (b) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:

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

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

(C) a law enforcement agency; or

(D) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency; or

~~[(E) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:~~

~~[(i) each applicable Federal Aviation Administration rule, restriction, or exemption; and~~

1                   ~~[(ii) all required Federal Aviation~~  
2 ~~Administration authorizations, or]~~

3                   (2) conduct described by Subsection (b) that involves  
4 a critical infrastructure facility and is committed by:

5                   (A) an owner or operator of the critical  
6 infrastructure facility;

7                   (B) a person under contract with or otherwise  
8 acting under the direction or on behalf of an owner or operator of  
9 the critical infrastructure facility;

10                  (C) a person who has the prior written consent of  
11 the owner or operator of the critical infrastructure facility; or

12                  (D) the owner or occupant of the property on  
13 which the critical infrastructure facility is located or a person  
14 who has the prior written consent of the owner or occupant of that  
15 property.

16                  SECTION 2. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24                  SECTION 3. This Act takes effect September 1, 2023.