

By: Geren

H.B. No. 2365

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 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

1 enough to interfere with the operations of or cause a disturbance to
2 the airport or military installation.

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

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

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

10 (3) a law enforcement agency;

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

13 (5) an owner or operator of the airport or military
14 installation;

15 (6) a person under contract with or otherwise acting
16 under the direction or on behalf of an owner or operator of the
17 airport or military installation;

18 (7) a person who has the prior written consent of the
19 owner or operator of the airport or military installation; or

20 (8) the owner or occupant of the property on which the
21 airport or military installation is located or a person who has the
22 prior written consent of the owner or occupant of that property.

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

26 SECTION 2. Section 423.0045(a)(1-a), Government Code, is
27 amended to read as follows:

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

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

7 (i) a petroleum or alumina refinery;

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

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

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

15 (v) a natural gas compressor station;

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

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

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

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

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

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

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

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

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

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

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

16 (ii) an oil or gas drilling site;

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

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

21 (v) an oil or gas wellhead; or

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

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

26 Sec. 424.001. DEFINITION. In this chapter, "critical
27 infrastructure facility" has the meaning assigned by Section

1 423.0045(a)(1-a) and also includes:

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

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

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

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

13 SECTION 4. The changes in law made by this Act apply only to
14 an offense committed on or after the effective date of this Act. An
15 offense committed before the effective date of this Act is governed
16 by the law in effect on the date the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before the effective date of
19 this Act if any element of the offense was committed before that
20 date.

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