

1-1 By: Hancock S.B. No. 1308  
1-2 (In the Senate - Filed February 28, 2023; March 9, 2023,  
1-3 read first time and referred to Committee on Veteran Affairs;  
1-4 March 22, 2023, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the operation of an unmanned aircraft over an airport or  
1-18 military installation; creating a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 42, Penal Code, is amended by adding  
1-21 Section 42.15 to read as follows:

1-22 Sec. 42.15. OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR  
1-23 MILITARY INSTALLATION. (a) In this section:

1-24 (1) "Airport" has the meaning assigned by Section  
1-25 22.001, Transportation Code.

1-26 (2) "Military installation" means any military  
1-27 installation owned or operated by or for the federal government,  
1-28 this state, or another governmental entity.

1-29 (b) A person commits an offense if the person intentionally  
1-30 or knowingly:

1-31 (1) operates an unmanned aircraft over an airport or  
1-32 military installation and the unmanned aircraft is not higher than  
1-33 400 feet above ground level;

1-34 (2) allows an unmanned aircraft to make contact with  
1-35 an airport or military installation, including any person or object  
1-36 on the premises of or within the airport or military installation;  
1-37 or

1-38 (3) allows an unmanned aircraft to come within a  
1-39 distance of an airport or military installation that is close  
1-40 enough to interfere with the operations of or cause a disturbance to  
1-41 the airport or military installation.

1-42 (c) It is a defense to prosecution under this section that  
1-43 the conduct described by Subsection (b) was engaged in by:

1-44 (1) the federal government, this state, or a  
1-45 governmental entity;

1-46 (2) a person under contract with or otherwise acting  
1-47 under the direction or on behalf of the federal government, this  
1-48 state, or a governmental entity;

1-49 (3) a law enforcement agency;

1-50 (4) a person under contract with or otherwise acting  
1-51 under the direction or on behalf of a law enforcement agency;

1-52 (5) an owner or operator of the airport or military  
1-53 installation;

1-54 (6) a person under contract with or otherwise acting  
1-55 under the direction or on behalf of an owner or operator of the  
1-56 airport or military installation;

1-57 (7) a person who has the prior written consent of the  
1-58 owner or operator of the airport or military installation; or

1-59 (8) the owner or occupant of the property on which the  
1-60 airport or military installation is located or a person who has the  
1-61 prior written consent of the owner or occupant of that property.

2-1 (d) An offense under this section is a Class B misdemeanor,  
2-2 except that the offense is a Class A misdemeanor if the actor has  
2-3 previously been convicted under this section.

2-4 SECTION 2. Section 423.0045(a)(1-a), Government Code, is  
2-5 amended to read as follows:

2-6 (1-a) "Critical infrastructure facility" means:

2-7 (A) one of the following, if completely enclosed  
2-8 by a fence or other physical barrier that is obviously designed to  
2-9 exclude intruders, or if clearly marked with a sign or signs that  
2-10 are posted on the property, are reasonably likely to come to the  
2-11 attention of intruders, and indicate that entry is forbidden:

2-12 (i) a petroleum or alumina refinery;

2-13 (ii) an electrical power generating  
2-14 facility, substation, switching station, or electrical control  
2-15 center;

2-16 (iii) a chemical, polymer, or rubber  
2-17 manufacturing facility;

2-18 (iv) a water intake structure, water  
2-19 treatment facility, wastewater treatment plant, or pump station;

2-20 (v) a natural gas compressor station;

2-21 (vi) a liquid natural gas terminal or  
2-22 storage facility;

2-23 (vii) a telecommunications central  
2-24 switching office or any structure used as part of a system to  
2-25 provide wired or wireless telecommunications services;

2-26 (viii) a port, ~~[a public or private airport~~  
2-27 ~~depicted in any current aeronautical chart published by the Federal~~  
2-28 ~~Aviation Administration,]~~ a railroad switching yard, a trucking  
2-29 terminal, or any other freight transportation facility;

2-30 (ix) a gas processing plant, including a  
2-31 plant used in the processing, treatment, or fractionation of  
2-32 natural gas;

2-33 (x) a transmission facility used by a  
2-34 federally licensed radio or television station;

2-35 (xi) a steelmaking facility that uses an  
2-36 electric arc furnace to make steel;

2-37 (xii) a dam that is classified as a high  
2-38 hazard by the Texas Commission on Environmental Quality; or

2-39 (xiii) a concentrated animal feeding  
2-40 operation, as defined by Section 26.048, Water Code; or

2-41 ~~[(xiv) a military installation owned or~~  
2-42 ~~operated by or for the federal government, the state, or another~~  
2-43 ~~governmental entity, or]~~

2-44 (B) if enclosed by a fence or other physical  
2-45 barrier obviously designed to exclude intruders:

2-46 (i) any portion of an aboveground oil, gas,  
2-47 or chemical pipeline;

2-48 (ii) an oil or gas drilling site;

2-49 (iii) a group of tanks used to store crude  
2-50 oil, such as a tank battery;

2-51 (iv) an oil, gas, or chemical production  
2-52 facility;

2-53 (v) an oil or gas wellhead; or

2-54 (vi) any oil and gas facility that has an  
2-55 active flare.

2-56 SECTION 3. Section 424.001, Government Code, is amended to  
2-57 read as follows:

2-58 Sec. 424.001. DEFINITION. In this chapter, "critical  
2-59 infrastructure facility" has the meaning assigned by Section  
2-60 423.0045(a)(1-a) and also includes:

2-61 (1) any pipeline transporting oil or gas or the  
2-62 products or constituents of oil or gas; ~~and~~

2-63 (2) a public or private airport depicted in any  
2-64 current aeronautical chart published by the Federal Aviation  
2-65 Administration;

2-66 (3) a military installation owned or operated by or  
2-67 for the federal government, this state, or another governmental  
2-68 entity; and

2-69 (4) a facility or pipeline described by this section

3-1 that is under construction and all equipment and appurtenances used  
3-2 during that construction.

3-3 SECTION 4. The changes in law made by this Act apply only to  
3-4 an offense committed on or after the effective date of this Act. An  
3-5 offense committed before the effective date of this Act is governed  
3-6 by the law in effect on the date the offense was committed, and the  
3-7 former law is continued in effect for that purpose. For purposes of  
3-8 this section, an offense was committed before the effective date of  
3-9 this Act if any element of the offense was committed before that  
3-10 date.

3-11 SECTION 5. This Act takes effect September 1, 2023.

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