

BILL ANALYSIS

S.B. 1197
By: Birdwell
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that unmanned aircraft systems, or drones, pose a growing national security risk and air traffic safety hazard when flown over sensitive facilities, and that military installations, airports, and spaceports have reported incidents of unidentified drones operating in restricted airspace, raising concerns about espionage, interference with flight operations, and potential threats to critical infrastructure. Current law prohibits drone operations over military installations and airports but does not extend this protection to spaceports. S.B. 1197 seeks to help ensure the security of spaceport facilities as the state continues to expand its role in commercial spaceflight by creating a criminal offense for operating an unmanned aircraft over a spaceport like the one that currently exists for airports and military installations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1197 amends the Penal Code to create a Class B misdemeanor offense for operating an unmanned aircraft over a spaceport for a person who intentionally or knowingly does any of the following:

- operates an unmanned aircraft over a spaceport;
- allows an unmanned aircraft to make contact with a spaceport, including any person or object on the premises of or within the spaceport; or
- operates an unmanned aircraft in a manner that interferes with the operations of or causes a disturbance to a spaceport.

The bill defines "spaceport" as any property or facility that is used for the launch, landing, or recovery of spacecraft, as defined by Local Government Code provisions governing spaceport development corporations, and is licensed by the Federal Aviation Administration or operated by a spaceport development corporation under those provisions.

S.B. 1197 makes the defenses to prosecution available to certain persons and entities for an offense of operating an unmanned aircraft over an airport or military installation and the penalty enhancement to a Class A misdemeanor for a subsequent conviction of such an offense applicable also with respect to an offense of operating an unmanned aircraft over a spaceport.

S.B. 1197 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date 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 these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.