

## **BILL ANALYSIS**

C.S.H.B. 4448  
By: Springer  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that state law governing the use of an unmanned aircraft should be revised and updated. C.S.H.B. 4448 seeks to do so.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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**

C.S.H.B. 4448 amends the Government Code to revise the conduct constituting an offense of operating an unmanned aircraft over certain facilities by including the conduct constituting the offense of operating an aircraft over a sports venue and by repealing the statutory provision that established the separate offense regarding a sports venue. The bill exempts from the application of the revised offense conduct that involves a sports venue that is committed by certain entities or individuals.

C.S.H.B. 4448 makes lawful the capture of an image using an unmanned aircraft in Texas if the image is captured:

- as part of the operation, exercise, or mission of any branch of the Texas military forces;
- for the purpose of delivering consumer goods ordered through a website or mobile application and the operation of the unmanned aircraft at the time the image was captured is conducted in compliance with each applicable Federal Aviation Administration (FAA) rule, restriction, or exemption and all required FAA authorizations and is not publicly disclosed, displayed, or distributed;
- by an applicable state agency or local health authority under certain conditions for the purpose of assessing unsafe environmental conditions when physical entry onto the property is unsafe due to certain conditions and in response to an inspection, or attempted inspection, on commercial property or to a disaster;
- for the purpose of disaster preparedness; or
- by a governmental entity or a person contracted by or under the direction of a governmental entity for the purpose of the provision of 9-1-1 service or a mapping project or service other than a project or service for a law enforcement purpose.

C.S.H.B. 4448, with respect to statutory provisions governing the use of unmanned aircraft, does the following:

- applies to such provisions the definitions of "correctional facility," "dam," and "detention facility" from statutory provisions governing the offense for the operation of an unmanned aircraft over certain facilities;
- revises and applies the definition of "critical infrastructure facility" to such provisions; and
- revises the definition of "image."

C.S.H.B. 4448 repeals the authorization for an owner or tenant of privately owned real property located in Texas to bring against a person who, in violation of statutory provisions relating to the offense of illegal use of an unmanned aircraft to capture an image, captured an image of the property or the owner or tenant while on the property an action to enjoin a violation or imminent violation, recover a civil penalty, and recover actual damages if the person who captured the image discloses, displays, or distributes the image with malice.

C.S.H.B. 4448 repeals the following Government Code provisions:

- Section 423.0045(a)
- Section 423.0046
- Section 423.006

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4448 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions making lawful the capture of an image using an unmanned aircraft in Texas if the image is captured for certain purposes.

The substitute includes a revised definition of "critical infrastructure facility" as a definition generally applicable to statutory provisions governing the use of unmanned aircraft and revises the definition of "image."

The substitute does not include the removal of the Class C misdemeanor offense for a person who uses an unmanned aircraft to capture an image of an individual or privately owned real property in Texas with the intent to conduct surveillance. The substitute does not include the removal of provisions making the offense of operating an unmanned aircraft over certain facilities inapplicable to such operation by certain specified entities or individuals.

The substitute does not include the renumbering or reorganization of certain revised provisions relating to the use of unmanned aircraft.

The substitute includes the expansion of conduct constituting an offense for the operation of an unmanned aircraft to include the operation of such an aircraft over a sports venue. The substitute includes an exemption from application of the offense for conduct that involves a sports venue that is committed by certain entities or individuals.

The substitute includes the repeal of a provision authorizing an owner or tenant of privately owned real property located in Texas to bring certain actions against a person who, in violation of statutory provisions relating to the offense of illegal use of an unmanned aircraft to capture an image, captured an image of the property or the owner or tenant while on the property.