

**SUBJECT:** Revising mental state for offense of operating drones near certain facilities

**COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment

**VOTE:** 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

**WITNESSES:** For — Gary Scheibe, Houston Ship Channel Security District, East Harris County Manufacturers Association; (*Registered, but did not testify*: Mike Meroney, BASF Corporation; Steve Perry, Chevron USA; Daniel Womack, Dow; Ray Hunt, Houston Police Officers Union; Christina Wisdom, Occidental Petroleum; Austin McCarty, Texas Chemical Council; Shannon Rusing, Texas Oil and Gas Association; Noel Johnson, Texas Municipal Police Association; Chris Frandsen)

Against — Andrew Holley; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association; Joseph Longhurst)

On — John Jones, Texas Department of Public Safety; (*Registered, but did not testify*: Dale Avant, Texas Department of Public Safety)

**BACKGROUND:** Under Government Code sec. 423.0045, it is a crime to intentionally or knowingly:

- operate an unmanned aircraft 400 feet or less above ground level over a correctional facility, detention facility, or critical infrastructure facility;
- allow an unmanned aircraft to make contact with such facilities, including any person or object on their premises; or
- allow an unmanned aircraft to come within a distance of those facilities that is close enough to cause a disturbance or interfere with operations.

An offense generally is a class B misdemeanor (up to 180 days in jail

and/or a maximum fine of \$2,000).

Citing recent incidents, some have called for revising this offense to ensure law enforcement has the tools necessary to investigate offenses involving unmanned aircraft expeditiously in order to improve enforcement and increase infrastructure security.

**DIGEST:**

HB 3082 would change the mental state from "intentionally or knowingly" to "with criminal negligence" for conduct constituting the offense of operating an unmanned aircraft over or near certain facilities under Government Code sec. 423.0045.

A peace officer investigating an offense under the bill would have to notify the Department of Public Safety, and the department could require further information from the officer.

The bill would take effect September 1, 2019, and would apply only to an offense committed on or after that date.