

SUBJECT: Revising laws related to the use of unmanned aircraft

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 12 ayes — Phelan, Deshotel, Guerra, Harless, Holland, Hunter, P. King,
Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Hernandez

WITNESSES: For — (*Registered, but did not testify*: David Edmonson, TechNet; Lee
Parsley, Texans for Lawsuit Reform)

Against — None

On — (*Registered, but did not testify*: Jordan Gross, DJI Technology)

BACKGROUND: Government Code, sec. 423.003 makes it a crime to use an unmanned
aircraft to capture an image of an individual or privately owned property
with the intent to conduct surveillance. Under sec. 423.002, the offense
does not apply in certain circumstances.

Sec. 423.006 allows a private property owner to bring action to recover
civil penalties or actual damages against a person in violation of sec.
423.003 that disclosed, displayed, or otherwise used the image.

Under 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; or allow an
unmanned aircraft to disturb or interfere with operations.

Sec. 423.0046 makes it a crime to intentionally or knowingly operate an
unmanned aircraft 400 feet or less above ground level over a sports venue.

DIGEST: CSHB 4448 would expand the lawful use of an unmanned aircraft under Government Code sec. 423.003 to capture an image:

- as part of an operation, exercise, or mission of any branch of the Texas Military Forces;
- that was not publicly disclosed and was captured for the purpose of delivering consumer goods ordered through the internet or a mobile application, and the operation of the aircraft was conducted in compliance with federal regulations;
- under certain circumstances by a state agency or local health authority to assess unsafe environmental conditions in response to an inspection on commercial property or to a disaster;
- for disaster preparedness; or
- by or for a governmental entity for the provision of 911 service or a mapping project or service other than a law enforcement purpose.

The bill would repeal Government Code sec. 423.006, which allows a private property owner to bring action against a person who violated sec. 423.003.

CSHB 4448 would repeal the offense of operating an unmanned aircraft over a sports venue under Government Code sec. 423.0046 and revise the conduct constituting an offense under sec. 423.0045 to include operating an unmanned aircraft over a sports venue.

The bill would expand the definition of critical infrastructure facility to include an airport serving commercial air carriers or a military installation owned or operated by or for the federal government, the state, or another governmental entity.

To the extent of any conflict, the bill would prevail over another bill of the 86th legislative session.

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