

- SUBJECT:** Limiting law enforcement agency use of force by drone; adopting policy
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Shelia Franklin, True Texas Project; Julie Campbell; Russell Parish; Chris Woolsey; Paul Yamarick)
- Against — Dylan Price; Gary Zimmerman; (*Registered, but did not testify*: Louis Wichers, Texas Gun Sense; and seven individuals)
- BACKGROUND:** Some have raised concerns about the potential misuse of new drone technology and noted that lawmakers should consider what their potential law enforcement uses should be.
- DIGEST:** CSHB 1758 would require each law enforcement agency to adopt a written policy on the agency's use of force by means of a drone and update the policy as necessary.
- A drone would mean an unmanned aircraft, watercraft, or ground vehicle or a robotic device that was controlled remotely by a human operator or operated autonomously through computer software or other programming.
- An agency would have to submit the policy to the Texas Commission on Law Enforcement (TCOLE) by January 1 of each even-numbered year. An agency would have to adopt a policy and first submit it to TCOLE by January 1, 2022.
- Under the bill, the use of force, including deadly force, involving a drone would be justified only if:

- the actor was employed by a law enforcement agency;
- the use of force would have been justified under other state law and did not involve the use of deadly force by means of an autonomous drone; and
- before the use of force occurred, the law enforcement agency employing the actor adopted and submitted a policy to TCOLE as required by the bill and the use of force conformed to the policy.

The bill would take effect September 1, 2021.