

SUBJECT: Making it a crime to operate a drone over airports, military installations

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

SENATE VOTE: On final passage, April 29 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Leticia Van de Putte, City of Del Rio and San Antonio Chamber of Commerce; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Jake Posey, Dallas Fort Worth International Airport; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Tammy Narvaez, Harris County Commissioners Court; Ray Hunt, HPOU; Juan Ayala, Texas Mayors of Military Communities)

Against — None

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).

Some have called for revising this offense to prohibit the operation of unmanned aircraft over or near airports and military installations to address the security risks posed by an increased accessibility to drones and to ensure the safety of facility personnel.

DIGEST: SB 149 would expand the definition of critical infrastructure facility over which it is an offense to operate an unmanned aircraft under Government Code sec. 423.0045 to include:

- a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration; or
- a military installation owned or operated by or for the federal government, the state, or another governmental entity.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.