

Chapter 1033

H.B. No. 1481

AN ACT

relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 423, Government Code, is amended by adding Section 423.0045 to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

(1) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

(i) a petroleum or alumina refinery;

(ii) an electrical power generating facility, substation, switching station, or electrical control center;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station;

(vi) a liquid natural gas terminal or

1 storage facility;

2 (vii) a telecommunications central
3 switching office;

4 (viii) a port, railroad switching yard,
5 trucking terminal, or other freight transportation facility;

6 (ix) a gas processing plant, including a
7 plant used in the processing, treatment, or fractionation of
8 natural gas;

9 (x) a transmission facility used by a
10 federally licensed radio or television station;

11 (xi) a steelmaking facility that uses an
12 electric arc furnace to make steel; or

13 (xii) a dam that is classified as a high
14 hazard by the Texas Commission on Environmental Quality; or

15 (B) any portion of an aboveground oil, gas, or
16 chemical pipeline that is enclosed by a fence or other physical
17 barrier that is obviously designed to exclude intruders.

18 (2) "Dam" means any barrier, including any appurtenant
19 structures, that is constructed for the purpose of permanently or
20 temporarily impounding water.

21 (b) A person commits an offense if the person intentionally
22 or knowingly:

23 (1) operates an unmanned aircraft over a critical
24 infrastructure facility and the unmanned aircraft is not higher
25 than 400 feet above ground level;

26 (2) allows an unmanned aircraft to make contact with a
27 critical infrastructure facility, including any person or object on

1 the premises of or within the facility; or

2 (3) allows an unmanned aircraft to come within a
3 distance of a critical infrastructure facility that is close enough
4 to interfere with the operations of or cause a disturbance to the
5 facility.

6 (c) This section does not apply to conduct described by
7 Subsection (b) that is committed by:

8 (1) the federal government, the state, or a
9 governmental entity;

10 (2) a person under contract with or otherwise acting
11 under the direction or on behalf of the federal government, the
12 state, or a governmental entity;

13 (3) a law enforcement agency;

14 (4) a person under contract with or otherwise acting
15 under the direction or on behalf of a law enforcement agency;

16 (5) an owner or operator of the critical
17 infrastructure facility;

18 (6) a person under contract with or otherwise acting
19 under the direction or on behalf of an owner or operator of the
20 critical infrastructure facility;

21 (7) a person who has the prior written consent of the
22 owner or operator of the critical infrastructure facility;

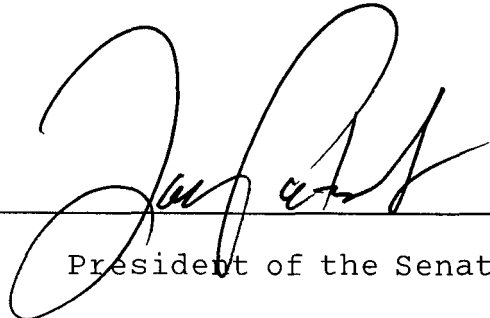
23 (8) the owner or occupant of the property on which the
24 critical infrastructure facility is located or a person who has the
25 prior written consent of the owner or occupant of that property; or

26 (9) an operator of an unmanned aircraft that is being
27 used for a commercial purpose, if the operator is authorized by the

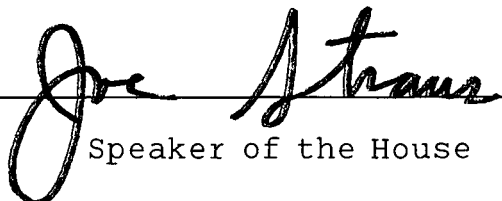
1 Federal Aviation Administration to conduct operations over that
2 airspace.

3 (d) An offense under this section is a Class B misdemeanor,
4 except that the offense is a Class A misdemeanor if the actor has
5 previously been convicted under this section.

6 SECTION 2. This Act takes effect September 1, 2015.

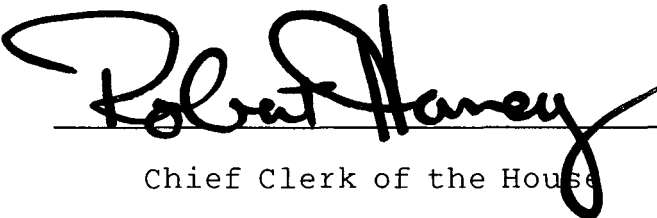


President of the Senate

H.B. No. 1481


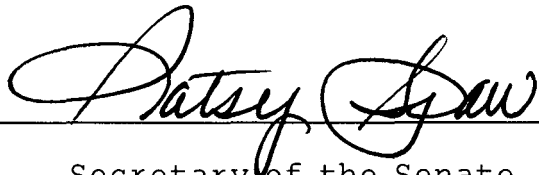
Speaker of the House

I certify that H.B. No. 1481 was passed by the House on May 8, 2015, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1481 on May 27, 2015, by the following vote: Yeas 140, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 1481 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 30, Nays 0.



Secretary of the Senate

APPROVED: 6-10-2015

Date




Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

6:30 pm O'CLOCK

JUN 19 2015



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 25, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 13, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, FR, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 29, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of intentionally operating an unmanned aircraft over a critical facility, allowing an unmanned aircraft to make contact with a critical facility, or allowing an unmanned aircraft to go within close enough distance of an critical facility that is close enough to interfere with the operations of or cause a disturbance to the facility. The bill provides exceptions and definitions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, KJo, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 6, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1481 by Murphy (Relating to prohibiting the operation of an unmanned aircraft over certain facilities; creating a criminal offense.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to create an offense of knowingly operating an unmanned aircraft over certain facilities and the aircraft is not higher than 400 feet above ground level. The bill provides exceptions. The offense is a Class B misdemeanor. The offense is a Class A misdemeanor if the individual has been convicted of previous offenses previously.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies:

LBB Staff: UP, KJo, SD, EK