

BILL ANALYSIS

Senate Research Center
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S.B. 395
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law does not currently prohibit the flying of drones over secure correctional facilities. Drones can be used to introduce contraband into the secure perimeter of a correctional facility by remote means.

Current statute is applicable for someone introducing implements of escape, contraband, or prohibited substances. However, drones may fly into the restricted areas undetected to introduce contraband and may utilize cameras to obtain unauthorized video of inmates/prisoners and video of the facility, including security measures. The current criminal statute for trespass cannot be used to thwart drone usage.

As proposed, S.B. 395 amends current law relating to the prosecution of the offense of operation of unmanned aircraft over correctional facility or critical infrastructure facility.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 432.0045, Government Code, to read as follows:

Sec. 423.0045. OFFENSE: OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY OR CRITICAL INFRASTRUCTURE FACILITY.

SECTION 2. Amends Section 423.0045(a), Government Code, by amending Subdivision (1) and adding Subdivision (1-a) as follows:

(1) Defines "correctional facility."

(1-a) Redesignates existing text Subdivision (1) as Subdivision (1-a) and makes no further changes to this subsection.

SECTION 3. Amends Sections 423.0045(b) and (c), Government Code, as follows:

(b) Provides that a person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over, allows an unmanned aircraft to make contact with, or allows an unmanned aircraft to come within a certain distance of a correctional facility or critical infrastructure facility, rather than with a critical infrastructure facility.

(c) Provides that this section does not apply to:

(1) conduct described by Subsection (b) that involves a correctional facility or critical infrastructure facility and is committed by certain parties, including an operator of an unmanned aircraft that is being used for commercial purpose, if the operator is authorized by the Federal Aviation Administration to conduct operations over that airspace. Redesignates existing Subdivisions (1) through (4)

as Paragraphs (A) through (D), respectively, and makes nonsubstantive changes;
or

(2) conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by certain individuals. Deletes existing Subdivision (9), relating to an operator of an unmanned aircraft that is being used for a commercial purpose. Redesignates existing Subdivisions (5) through (8) as Paragraphs (A) through (D), respectively, and makes a nonsubstantive change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2017.