

+BILL ANALYSIS

Senate Research Center
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S.B. 2299
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Veteran Affairs & Border Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2299's main mission is to improve the security of our state's military installations as well as the safety of the men and women working and living on those bases. It will accomplish this by amending the Government Code.

Currently, Section 423.0045, Government Code, defines what facilities can be defined as a "critical infrastructure facility" and lays out restrictions on the operation of unmanned aircrafts (drones) near those facilities. Examples of critical infrastructure facilities include but are not limited to water treatment plants and power plants.

S.B. 2299 would amend this section so that military installations owned and operated by either the federal government, state government, or another governmental entity, will be counted as "critical infrastructure facilities."

Although there are Federal Aviation Administration (FAA) guidelines restricting the use of drones above the airspace of an installation, there are no guidelines that refer to physical contact with the base or its normal operations.

By amending military installations into the definition as to what constitutes a critical infrastructure facility, the safety and security of our state-based military installations as well as their personnel will be better served.

As proposed, S.B. 2299 amends current law relating to the prosecution of the offense of operation of an unmanned aircraft over certain facilities.

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. Reenacts Section 423.0045(a)(1), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, 2017, as follows:

- (1) Defines "correctional facility."

SECTION 2. Reenacts Section 423.0045(a)(1-a), Government Code, to conform to the changes made to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B. 1643), Acts of the 85th Legislature, Regular Session, 2017, and amends it, as follows:

- (1-a) Redefines "critical infrastructure facility" to include among other certain facilities a military installation owned or operated by or for the federal government, the state, or another governmental entity 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.

SECTION 3. Reenacts Section 423.0045(c), Government Code, as amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of the 85th Legislature, Regular Session, as follows:

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

(1) conduct described by Subsection (b) (relating to certain offenses involving an unmanned aircraft) that involves a correctional facility, detention facility, or critical infrastructure facility and is committed by:

(A) the federal government, the state, or a governmental entity;

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

(C) a law enforcement agency;

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

(E) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:

(i) each applicable Federal Aviation Administration (FAA) rule, restriction, or exemption; and

(ii) all required FAA authorizations; or

(2) conduct described by Subsection (b) that involves a critical infrastructure facility and is committed by:

(A) an owner or operator of the critical infrastructure facility;

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

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

(D) the owner or occupant of the property on which the critical infrastructure facility is located or a person who has the prior written consent of the owner or occupant of that property.

SECTION 4. Makes application of this Act prospective. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Provides that to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: September 1, 2019.