



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Unmanned Aerial Vehicle Laws: *Texas*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Unmanned Aerial Vehicle Laws: Texas

TX GOVT ST § 423.003

TX GOVT ST § 423.004

TX GOVT ST § 423.0045

TX GOVT ST § 423.0046

Current through November 20, 2022

TX GOVT ST § 423.003 Offense: Illegal Use of Unmanned Aircraft to Capture Image

- (a) A person commits an offense if the person uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image.
- (b) An offense under this section is a Class C misdemeanor.
- (c) It is a defense to prosecution under this section that the person destroyed the image:
 - (1) as soon as the person had knowledge that the image was captured in violation of this section; and
 - (2) without disclosing, displaying, or distributing the image to a third party.
- (d) In this section, "intent" has the meaning assigned by Section 6.03, Penal Code..

TX GOVT ST § 423.004 Offense: Possession, Disclosure, Display, Distribution, or Use of Image

- (a) A person commits an offense if the person:
 - (1) captures an image in violation of Section 423.003; and
 - (2) possesses, discloses, displays, distributes, or otherwise uses that image.
- (b) An offense under this section for the possession of an image is a Class C misdemeanor. An offense under this section for the disclosure, display, distribution, or other use of an image is a Class B misdemeanor.
- (c) Each image a person possesses, discloses, displays, distributes, or otherwise uses in violation of this section is a separate offense.
- (d) It is a defense to prosecution under this section for the possession of an image that the person destroyed the image as soon as the person had knowledge that the image was captured in violation of Section 423.003.



(e) It is a defense to prosecution under this section for the disclosure, display, distribution, or other use of an image that the person stopped disclosing, displaying, distributing, or otherwise using the image as soon as the person had knowledge that the image was captured in violation of Section 423.003.

TX GOVT ST § 423.0045 Offense: Operation of Unmanned Aircraft Over Correctional Facility, Detention Facility, or Critical Infrastructure Facility

(a) In this section:

(1) "Correctional facility" means:

(A) a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice;

(B) a municipal or county jail;

(C) a confinement facility operated by or under contract with the Federal Bureau of Prisons; or

(D) a secure correctional facility or secure detention facility, as defined by Section 51.02, Family Code.

(1-a) "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 storage facility;

(vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;

(viii) a port, a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration, a railroad switching yard, a trucking terminal, or any other freight transportation facility;

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

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



- (xi) a steelmaking facility that uses an electric arc furnace to make steel;
- (xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality;
- (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
- (xiv) a military installation owned or operated by or for the federal government, the state, or another governmental entity; or
- (B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:
 - (i) any portion of an aboveground oil, gas, or chemical pipeline;
 - (ii) an oil or gas drilling site;
 - (iii) a group of tanks used to store crude oil, such as a tank battery;
 - (iv) an oil, gas, or chemical production facility;
 - (v) an oil or gas wellhead; or
 - (vi) any oil and gas facility that has an active flare.
- (2) "Dam" means any barrier, including any appurtenant structures, that is constructed for the purpose of permanently or temporarily impounding water.
- (3) "Detention facility" means a facility operated by or under contract with United States Immigration and Customs Enforcement for the purpose of detaining aliens and placing them in removal proceedings.
- (b) A person commits an offense if the person intentionally or knowingly:
 - (1) operates an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility and the unmanned aircraft is not higher than 400 feet above ground level;
 - (2) allows an unmanned aircraft to make contact with a correctional facility, detention facility, or critical infrastructure facility, including any person or object on the premises of or within the facility; or
 - (3) allows an unmanned aircraft to come within a distance of a correctional facility, detention facility, or critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.
- (c) This section does not apply to:
 - (1) conduct described by Subsection (b) 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 rule, restriction, or exemption; and
 - (ii) all required Federal Aviation Administration 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.
- (d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0046.

TX GOVT ST § 423.0046 Offense: Operation of Unmanned Aircraft Over Sports Venue

- (a) In this section, "sports venue" means an arena, automobile racetrack, coliseum, stadium, or other type of area or facility that:
- (1) has a seating capacity of 30,000 or more people; and
 - (2) is primarily used for one or more professional or amateur sports or athletics events.
- (b) A person commits an offense if the person intentionally or knowingly operates an unmanned aircraft over a sports venue and the unmanned aircraft is not higher than 400 feet above ground level.
- (c) This section does not apply to conduct described by Subsection (b) that is committed by:
- (1) the federal government, the state, or a governmental entity;
 - (2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, the state, or a governmental entity;
 - (3) a law enforcement agency;
 - (4) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;
 - (5) an operator of an unmanned aircraft that is being used for a commercial purpose, if the operation is conducted in compliance with:
 - (A) each applicable Federal Aviation Administration rule, restriction, or exemption; and
 - (B) all required Federal Aviation Administration authorizations;
 - (6) an owner or operator of the sports venue;
 - (7) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the sports venue; or
 - (8) a person who has the prior written consent of the owner or operator of the sports venue.



(d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section or Section 423.0045.

