



# The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto: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 § 423.004**

**TX GOVT ST § 423.005**

**TX GOVT ST § 423.006**

*Current through November 20, 2022*

### **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 § 423.005 Illegally or Incidentally Captured Images Not Subject to Disclosure**

- (a) Except as otherwise provided by Subsection (b), an image captured in violation of Section 423.003, or an image captured by an unmanned aircraft that was incidental to the lawful capturing of an image:
  - (1) may not be used as evidence in any criminal or juvenile proceeding, civil action, or administrative proceeding;
  - (2) is not subject to disclosure, inspection, or copying under Chapter 552; and
  - (3) is not subject to discovery, subpoena, or other means of legal compulsion for its release.



(b) An image described by Subsection (a) may be disclosed and used as evidence to prove a violation of this chapter and is subject to discovery, subpoena, or other means of legal compulsion for that purpose.

## **TX GOVT ST § 423.006 Civil Action**

(a) An owner or tenant of privately owned real property located in this state may bring against a person who, in violation of Section 423.003, captured an image of the property or the owner or tenant while on the property an action to:

(1) enjoin a violation or imminent violation of Section 423.003 or 423.004;

(2) recover a civil penalty of:

(A) \$5,000 for all images captured in a single episode in violation of Section 423.003; or

(B) \$10,000 for disclosure, display, distribution, or other use of any images captured in a single episode in violation of Section 423.004; or

(3) recover actual damages if the person who captured the image in violation of Section 423.003 discloses, displays, or distributes the image with malice.

(b) For purposes of recovering the civil penalty or actual damages under Subsection (a), all owners of a parcel of real property are considered to be a single owner and all tenants of a parcel of real property are considered to be a single tenant.

(c) In this section, "malice" has the meaning assigned by Section 41.001, Civil Practice and Remedies Code.

(d) In addition to any civil penalties authorized under this section, the court shall award court costs and reasonable attorney's fees to the prevailing party.

(e) Venue for an action under this section is governed by Chapter 15, Civil Practice and Remedies Code.

(f) An action brought under this section must be commenced within two years from the date the image was:

(1) captured in violation of Section 423.003; or

(2) initially disclosed, displayed, distributed, or otherwise used in violation of Section 423.004.

