

AN ACT

relating to creating a criminal offense for damaging certain critical infrastructure facilities and providing for the prosecution of that conduct as manslaughter in certain circumstances; increasing a criminal penalty.

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

SECTION 1. Section 19.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that the defendant committed an offense under Section 28.09 and that conduct caused the death of an individual.

SECTION 2. Chapter 28, Penal Code, is amended by adding Section 28.09 to read as follows:

Sec. 28.09. DAMAGING CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

(1) "Critical infrastructure facility" means an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility.

(2) "Cyber attack" means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.

1           (3) "Drone" has the meaning assigned by Article 2.33,  
2 Code of Criminal Procedure, as added by Chapter 1011 (H.B. 1758),  
3 Acts of the 87th Legislature, Regular Session, 2021.

4           (4) "Explosive weapon" has the meaning assigned by  
5 Section 28.03.

6           (5) "Extended power outage" means a power outage:  
7                   (A) lasting for two hours or more; or  
8                   (B) affecting 1,000 or more meters used to  
9 measure electric energy consumption by retail customers.

10           (6) "Firearm" has the meaning assigned by Section  
11 46.01.

12           (b) A person commits an offense if, without the effective  
13 consent of the owner or operator of a critical infrastructure  
14 facility, the person:

15                   (1) intentionally or knowingly damages, destroys,  
16 vandalizes, or impairs the function of any critical infrastructure  
17 facility; and

18                   (2) as a result of the conduct described by  
19 Subdivision (1), causes an extended power outage.

20           (c) An offense under this section is a felony of the second  
21 degree, except that the offense is a felony of the first degree if:

22                   (1) the amount of pecuniary damage to the critical  
23 infrastructure facility is \$100,000 or more; or

24                   (2) the actor uses a firearm, drone, cyber attack, or  
25 explosive weapon in the commission of the offense.

26           (d) If conduct that constitutes an offense under this  
27 section also constitutes an offense under any other law, the actor

1 may be prosecuted under this section, the other law, or both.

2           SECTION 3. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect on the date the offense was committed,  
6 and the former law is continued in effect for that purpose. For  
7 purposes of this section, an offense was committed before the  
8 effective date of this Act if any element of the offense occurred  
9 before that date.

10           SECTION 4. This Act takes effect September 1, 2023.

S.B. No. 947

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 947 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 947 passed the House on May 23, 2023, by the following vote: Yeas 147, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor