

1-1 By: King S.B. No. 947
1-2 (In the Senate - Filed February 15, 2023; March 3, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 30, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 30, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	X		
1-10	<u>Flores</u>	X		
1-11	<u>Bettencourt</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Huffman</u>	X		
1-14	<u>King</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 947 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to creating a criminal offense for damaging certain
1-20 critical infrastructure facilities and providing for the
1-21 prosecution of that conduct as manslaughter in certain
1-22 circumstances; increasing a criminal penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 19.04(b), Penal Code, is amended to read
1-25 as follows:

1-26 (b) An offense under this section is a felony of the second
1-27 degree, except that the offense is a felony of the first degree if
1-28 it is shown on the trial of the offense that the defendant committed
1-29 an offense under Section 28.09 and that conduct caused the death of
1-30 an individual.

1-31 SECTION 2. Chapter 28, Penal Code, is amended by adding
1-32 Section 28.09 to read as follows:

1-33 Sec. 28.09. DAMAGING CRITICAL INFRASTRUCTURE FACILITY. (a)
1-34 In this section:

1-35 (1) "Critical infrastructure facility" means an
1-36 electrical power generating facility, substation, switching
1-37 station, electrical control center, or electrical transmission or
1-38 distribution facility.

1-39 (2) "Cyber attack" means an attempt to damage,
1-40 disrupt, or gain unauthorized access to a computer, computer
1-41 network, or computer system.

1-42 (3) "Drone" has the meaning assigned by Article 2.33,
1-43 Code of Criminal Procedure, as added by Chapter 1011 (H.B. 1758),
1-44 Acts of the 87th Legislature, Regular Session, 2021.

1-45 (4) "Explosive weapon" has the meaning assigned by
1-46 Section 28.03.

1-47 (5) "Extended power outage" means a power outage:

1-48 (A) lasting for two hours or more; or

1-49 (B) affecting 1,000 or more meters used to
1-50 measure electric energy consumption by retail customers.

1-51 (6) "Firearm" has the meaning assigned by Section
1-52 46.01.

1-53 (b) A person commits an offense if, without the effective
1-54 consent of the owner or operator of a critical infrastructure
1-55 facility, the person:

1-56 (1) intentionally or knowingly damages, destroys,
1-57 vandalizes, or impairs the function of any critical infrastructure
1-58 facility; and

1-59 (2) as a result of the conduct described by
1-60 Subdivision (1), causes an extended power outage.

2-1 (c) An offense under this section is a felony of the second
2-2 degree, except that the offense is a felony of the first degree if:

2-3 (1) the amount of pecuniary damage to the critical
2-4 infrastructure facility is \$100,000 or more; or

2-5 (2) the actor uses a firearm, drone, cyber attack, or
2-6 explosive weapon in the commission of the offense.

2-7 (d) If conduct that constitutes an offense under this
2-8 section also constitutes an offense under any other law, the actor
2-9 may be prosecuted under this section, the other law, or both.

2-10 SECTION 3. The change in law made by this Act applies only
2-11 to an offense committed on or after the effective date of this Act.
2-12 An offense committed before the effective date of this Act is
2-13 governed by the law in effect on the date the offense was committed,
2-14 and the former law is continued in effect for that purpose. For
2-15 purposes of this section, an offense was committed before the
2-16 effective date of this Act if any element of the offense occurred
2-17 before that date.

2-18 SECTION 4. This Act takes effect September 1, 2023.

2-19 * * * * *