

## **BILL ANALYSIS**

Senate Research Center

S.B. 1517  
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4/4/2003  
As Filed

### **DIGEST AND PURPOSE**

The United States Nuclear Regulatory Commission (NRC) requires commercial nuclear power plants to maintain rigorous security programs and approved security plans. The NRC also imposes extensive training and qualification requirements for site security personnel. Since the terrorist attacks of September 11, 2001, the NRC and the nuclear industry has worked to strengthen nuclear plants' capability and readiness to respond to potential threats on nuclear facilities. For nuclear plants to fully meet NRC directives and to enhance plant security, nuclear plant security personnel need greater authority under state law to respond to dangerous situations. As proposed, S.B. 1517 designates security personnel, including security contract personnel, as peace officers while in the performance of their duties as part of an approved security organization at a commercial nuclear power plant, licensed by the United States Nuclear Regulatory Commission. This bill also authorizes commercial nuclear power plant licensees to obtain criminal history record information from the Department of Public Safety.

### **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. Amends Article 2.12, Code of Criminal Procedure, by amending Subdivisions (32) and (33), and adding Subdivision (34), as follows:

(32) Makes a nonsubstantive change.

(33) Makes a nonsubstantive change.

(34) Includes in the list of persons who are peace officers, security personnel, including security contract personnel, while in the performance of their duties as part of an approved security organization at a commercial nuclear power plant, licensed by the United States Nuclear Regulatory Commission, for the purpose of protecting the plant and nuclear material from threats, thefts, and sabotage.

SECTION 2. Amends Section 1701.003, Occupations Code, by amending Subsection (a)(2) and adding Subsection (a)(3), to make conforming and nonsubstantive changes.

SECTION 3. Amends Section, 1702.324, Occupations Code, by amending Subsections (b)(11) and (b)(12), and by adding Subsection (b)(13), as follows to make conforming and nonsubstantive changes.

SECTION 4. Amends Chapter 411, Government Code, by adding Section 411.1181, as follows:

Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a) Provides that commercial nuclear power plant licensees, and their designees, for security reasons and compliance with United States Nuclear Regulatory Commission requirements, are entitled to obtain criminal history record information from the Department of Public

Safety of the State of Texas (DPS), maintained by DPS, that relates to a person who has or is seeking employment or access at the commercial nuclear power plant.

(b) Requires DPS to place a priority on requests under Subsection (a) and to respond as expeditiously as possible, and in no event not later than two business days after the date the request is received.

SECTION 5. Amends Section 83.001, Civil Practice and Remedies Code, by adding Subsection (b), as follows to provide that it is an affirmative defense to a civil action, for damages for personal injury or death, that the defendant, at the time the cause of action arose, was a peace officer pursuant to Article 2.12(34), Code of Criminal Procedure, and was justified in using deadly force under Section 9.51(c) (Arrest and Search), Penal Code.

SECTION 6. Effective Date: upon passage or September 1, 2003.