

By: Miller

H.B. No. 2601

Substitute the following for H.B. No. 2601:

By: Seaman

C.S.H.B. No. 2601

A BILL TO BE ENTITLED

AN ACT

relating to security personnel at commercial nuclear power plants.

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

SECTION 1. Article 2.122, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

(f) A person, including a security service contractor, who is trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission and who provides security services at a commercial nuclear power plant licensed by that commission is not a peace officer under the laws of this state, except that the person has the powers of arrest, search, and seizure and has the protections provided by Section 9.51, Penal Code, while the person is providing security services on the premises of a commercial nuclear power plant or in accordance with an agreement with local law enforcement agencies regarding areas surrounding the commercial nuclear power plant.

SECTION 2. Section 1702.324(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a manufacturer or a manufacturer's authorized distributor who sells equipment to a license holder that is used in the operations for which the person is required to be licensed;

(2) a person engaged exclusively in the business of obtaining and providing information to:

- 1 (A) determine creditworthiness;
- 2 (B) collect debts; or
- 3 (C) ascertain the reliability of information
- 4 provided by an applicant for property, life, or disability
- 5 insurance or an indemnity or surety bond;

6 (3) a person engaged exclusively in the business of

7 repossessing property that is secured by a mortgage or other

8 security interest;

9 (4) a locksmith who:

10 (A) does not install or service detection

11 devices;

12 (B) does not conduct investigations; and

13 (C) is not a security services contractor;

14 (5) a person who:

15 (A) is engaged in the business of psychological

16 testing or other testing and interviewing services, including

17 services to determine attitudes, honesty, intelligence,

18 personality, and skills, for preemployment purposes; and

19 (B) does not perform any other service that

20 requires a license under this chapter;

21 (6) a person who:

22 (A) is engaged in obtaining information that is a

23 public record under Chapter 552, Government Code, regardless of

24 whether the person receives compensation;

25 (B) is not a full-time employee, as defined by

26 Section 61.001, Labor Code, of a person licensed under this

27 chapter; and

1 (C) does not perform any other act that requires
2 a license under this chapter;

3 (7) a licensed professional engineer practicing
4 engineering or directly supervising engineering practice under The
5 Texas Engineering Practice Act, Chapter 1001, Occupations Code
6 [~~Article 3271a, Vernon's Texas Civil Statutes~~], including
7 forensic analysis, burglar alarm system engineering, and necessary
8 data collection;

9 (8) an employee of a cattle association who inspects
10 livestock brands under the authority granted to the cattle
11 association by the Grain Inspection, Packers and Stockyards
12 Administration of the United States Department of Agriculture;

13 (9) a landman performing activities in the course and
14 scope of the landman's business;

15 (10) an attorney while engaged in the practice of law;

16 (11) a person who obtains a document for use in
17 litigation under an authorization or subpoena issued for a written
18 or oral deposition; ~~[or]~~

19 (12) an admitted insurer, insurance adjuster, agent,
20 or insurance broker licensed by the state, performing duties in
21 connection with insurance transacted by that person; or

22 (13) a person, including a security service
23 contractor, engaged in providing security services at a commercial
24 nuclear power plant licensed by the United States Nuclear
25 Regulatory Commission.

26 SECTION 3. Subchapter F, Chapter 411, Government Code, is
27 amended by adding Section 411.1191 to read as follows:

1 Sec. 411.1191. ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION: COMMERCIAL NUCLEAR POWER PLANTS. (a) A commercial
3 nuclear power plant licensed by the United States Nuclear
4 Regulatory Commission and any contractor of that plant are entitled
5 to obtain from the department criminal history record information
6 maintained by the department that relates to a person who is seeking
7 employment at or access to the commercial nuclear power plant for
8 the purpose of providing security services to the plant.

9 (b) Criminal history record information obtained under this
10 section may not be released or disclosed to any person, except:

11 (1) as needed to protect the security of a commercial
12 nuclear power plant; or

13 (2) as authorized by:

14 (A) the United States Nuclear Regulatory
15 Commission;

16 (B) court order; or

17 (C) federal or state law.

18 (c) The department shall place a priority on a request
19 received under this section and shall respond to a request received
20 under this section not later than the second day after the date the
21 request is received.

22 SECTION 4. Chapter 93, Civil Practice and Remedies Code, is
23 amended by adding Section 93.003 to read as follows:

24 Sec. 93.003. COMMERCIAL NUCLEAR POWER PLANTS: AFFIRMATIVE
25 DEFENSE. It is an affirmative defense to a civil action for damages
26 for personal injury or death brought against a defendant who
27 provides security services as described by Article 2.122(f), Code

1 of Criminal Procedure, the defendant's employer, or the owner of
2 the commercial nuclear power plant where the security services are
3 provided that, at the time the cause of action accrues, the
4 defendant was justified in using force under Chapter 9, Penal Code.

5 SECTION 5. (a) This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2003.

10 (b) Section 4 of this Act applies only to a cause of action
11 that accrues on or after the effective date of this Act. A cause of
12 action that accrues before the effective date of this Act is
13 governed by the law in effect at the time the cause of action
14 accrued, and that law is continued in effect for that purpose.