

By: Miller

H.B. No. 2601

A BILL TO BE ENTITLED

AN ACT

1
2 relating to making security personnel at commercial nuclear power
3 plants peace officers for the purpose of meeting federal
4 requirements for protecting against terrorist attacks and
5 improving the process for qualifying those security personnel.

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

7 SECTION 1. Article 2.12, Code of Criminal Procedure, is
8 amended by amending Subdivisions (32) and (33) and adding
9 Subdivision (34) to read as follows:

10 The following are peace officers:

11 (32) commission investigators commissioned by the
12 Texas Commission on Private Security under Section 1702.061(f),
13 Occupations Code; ~~and~~

14 (33) the fire marshal, and any investigators
15 commissioned by an emergency services district to assist that fire
16 marshal, under Subchapter F, Chapter 775, Health and Safety Code;
17 and ~~[-]~~

18 (34) security personnel, including security contract
19 personnel, while in the performance of there duties as part of an
20 approved security organization at a commercial nuclear power plant,
21 licensed by the United States Nuclear Regulatory Commission, for
22 the purpose of protecting the plant and nuclear material from
23 threats, thefts, and sabotage.

24 SECTION 2. Section 1701.003, Occupations Code, is amended

1 by amending Subsection (a)(2) and adding Subsection (a)(3) to read
2 as follows: (a) Except as expressly provided by this chapter, this
3 chapter does not:

4 (1) limit the powers or duties of a municipality or
5 county; or

6 (2) affect Chapter 143, Local Government Code; or ~~[-]~~

7 (3) apply to security personnel, including security
8 contract personnel, working at a commercial nuclear power plant
9 licensed by the United States Nuclear Regulatory Commission.

10 SECTION 3. Section 1702.324, Occupations Code, is amended
11 by amending Subsections (b)(11) and (b)(12) and adding Subsection
12 (b)(13) to read as follows:

13 (b) This chapter does not apply to:

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

17 (12) an admitted insurer, insurance adjuster, agent,
18 or insurance broker licensed by the state, performing duties in
19 connection with insurance transacted by that person; or ~~[-]~~

20 (13) security personnel, including security contract
21 personnel, working at a commercial nuclear power plant licensed by
22 the United States Nuclear Regulatory Commission.

23 SECTION 4. Chapter 411, Government Code, is amended by
24 adding Section 411.1181 to read as follows:

25 Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a)
27 Commercial nuclear power plant licensees, and their designees, for

1 security reasons and compliance with requirements of the United
2 States Nuclear Regulatory Commission, are entitled to obtain from
3 the department criminal history record information maintained by
4 the department that relates to a person who has or is seeking
5 employment or access at the commercial nuclear power plant.

6 (b) The department shall place a priority on requests under
7 Subsection (a) and respond as expeditiously as possible, which in
8 no event shall be later than two business days after the date the
9 request is received.

10 SECTION 5. Section 83.001, Civil Practice and Remedies
11 Code, is amended by adding Subsection (b) to read as follows:

12 (b) It is an affirmative defense to a civil action for
13 damages for personal injury or death that the defendant, at the time
14 the cause of action arose, was a peace officer pursuant to Article
15 2.12(34), Code of Criminal Procedure, and was justified in using
16 deadly force under Section 9.51(c), Penal Code.

17 SECTION 6. EFFECTIVE DATE. This Act takes effect
18 immediately if it receives a vote of two-thirds of all the members
19 elected to each house, as provided by Section 39, Article III, Texas
20 Constitution. If this Act does not receive the vote necessary for
21 immediate effect, this Act takes effect September 1, 2003.