

AN ACT

relating to authority of 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) Security personnel working at a commercial nuclear power plant, including contract security personnel, trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission, are not peace officers under the laws of this state, except that such personnel have the powers of arrest, search, and seizure, including the powers under Section 9.51, Penal Code, while in the performance of their duties on the premises of a commercial nuclear power plant site or under agreements entered into with local law enforcement regarding areas surrounding the plant site.

SECTION 2. Subsection (b), Section 1702.324, 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 (Article 3271a, Vernon's Texas Civil
6 Statutes), including forensic analysis, burglar alarm system
7 engineering, and necessary data collection;

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

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

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

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

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

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

24 SECTION 3. Subchapter F, Chapter 411, Government Code, is
25 amended by adding Section 411.1181 to read as follows:

26 Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD
27 INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a) A

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

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

11 (c) Criminal history information obtained from the
12 department may not be released or disclosed except as needed in
13 protecting the security of a commercial nuclear power plant or as
14 authorized by the United States Nuclear Regulatory Commission, a
15 court order, or a federal or state law or order.

16 SECTION 4. Title 4, Civil Practice and Remedies Code, is
17 amended by adding Chapter 100 to read as follows:

18 CHAPTER 100. USE OF FORCE IN DEFENSE OF COMMERCIAL NUCLEAR POWER
19 PLANTS

20 Sec. 100.001. AFFIRMATIVE DEFENSE. It is an affirmative
21 defense to a civil action for damages for personal injury or death
22 brought against a person performing duties under Article 2.122(f),
23 Code of Criminal Procedure, the person's employer, or the owner of a
24 commercial nuclear power plant where the person was working, that
25 at the time the cause of action arose the person was justified in
26 using force under Chapter 9, Penal Code.

27 SECTION 5. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1517 passed the Senate on
May 8, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1517 passed the House on
May 25, 2003, by the following vote: Yeas 117, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor