

1-1 By: Armbrister S.B. No. 1517
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; April 30, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 April 30, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1517 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authority of security personnel at commercial nuclear
1-11 power plants.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 2.122, Code of Criminal Procedure, is
1-14 amended by adding Subsection (f) to read as follows:

1-15 (f) Security personnel working at a commercial nuclear
1-16 power plant, including contract security personnel, trained and
1-17 qualified under a security plan approved by the United States
1-18 Nuclear Regulatory Commission, are not peace officers under the
1-19 laws of this state, except that such personnel have the powers of
1-20 arrest, search, and seizure, including the powers under Section
1-21 9.51, Penal Code, while in the performance of their duties on the
1-22 premises of a commercial nuclear power plant site or under
1-23 agreements entered into with local law enforcement regarding areas
1-24 surrounding the plant site.

1-25 SECTION 2. Subsection (b), Section 1702.324, Occupations
1-26 Code, is amended to read as follows:

1-27 (b) This chapter does not apply to:

1-28 (1) a manufacturer or a manufacturer's authorized
1-29 distributor who sells equipment to a license holder that is used in
1-30 the operations for which the person is required to be licensed;

1-31 (2) a person engaged exclusively in the business of
1-32 obtaining and providing information to:

1-33 (A) determine creditworthiness;

1-34 (B) collect debts; or

1-35 (C) ascertain the reliability of information
1-36 provided by an applicant for property, life, or disability
1-37 insurance or an indemnity or surety bond;

1-38 (3) a person engaged exclusively in the business of
1-39 repossessing property that is secured by a mortgage or other
1-40 security interest;

1-41 (4) a locksmith who:

1-42 (A) does not install or service detection
1-43 devices;

1-44 (B) does not conduct investigations; and

1-45 (C) is not a security services contractor;

1-46 (5) a person who:

1-47 (A) is engaged in the business of psychological
1-48 testing or other testing and interviewing services, including
1-49 services to determine attitudes, honesty, intelligence,
1-50 personality, and skills, for preemployment purposes; and

1-51 (B) does not perform any other service that
1-52 requires a license under this chapter;

1-53 (6) a person who:

1-54 (A) is engaged in obtaining information that is a
1-55 public record under Chapter 552, Government Code, regardless of
1-56 whether the person receives compensation;

1-57 (B) is not a full-time employee, as defined by
1-58 Section 61.001, Labor Code, of a person licensed under this
1-59 chapter; and

1-60 (C) does not perform any other act that requires
1-61 a license under this chapter;

1-62 (7) a licensed professional engineer practicing
1-63 engineering or directly supervising engineering practice under The

2-1 Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
2-2 Statutes), including forensic analysis, burglar alarm system
2-3 engineering, and necessary data collection;

2-4 (8) an employee of a cattle association who inspects
2-5 livestock brands under the authority granted to the cattle
2-6 association by the Grain Inspection, Packers and Stockyards
2-7 Administration of the United States Department of Agriculture;

2-8 (9) a landman performing activities in the course and
2-9 scope of the landman's business;

2-10 (10) an attorney while engaged in the practice of law;

2-11 (11) a person who obtains a document for use in
2-12 litigation under an authorization or subpoena issued for a written
2-13 or oral deposition; ~~[or]~~

2-14 (12) an admitted insurer, insurance adjuster, agent,
2-15 or insurance broker licensed by the state, performing duties in
2-16 connection with insurance transacted by that person; or

2-17 (13) security personnel, including security contract
2-18 personnel, working at a commercial nuclear power plant licensed by
2-19 the United States Nuclear Regulatory Commission.

2-20 SECTION 3. Subchapter F, Chapter 411, Government Code, is
2-21 amended by adding Section 411.1181 to read as follows:

2-22 Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD
2-23 INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a) A
2-24 commercial nuclear power plant licensee and its contractors, for
2-25 security reasons and consistent with requirements of the United
2-26 States Nuclear Regulatory Commission, are entitled to obtain from
2-27 the department criminal history record information maintained by
2-28 the department that relates to a person who has or is seeking
2-29 employment at or access to the commercial nuclear power plant.

2-30 (b) The department shall place a high priority on requests
2-31 under Subsection (a) and respond as expeditiously as possible; in
2-32 no event shall the department respond later than two business days
2-33 after the date the request is received by the department.

2-34 (c) Criminal history information obtained from the
2-35 department may not be released or disclosed except as needed in
2-36 protecting the security of a commercial nuclear power plant or as
2-37 authorized by the United States Nuclear Regulatory Commission, a
2-38 court order, or a federal or state law or order.

2-39 SECTION 4. Title 4, Civil Practice and Remedies Code, is
2-40 amended by adding Chapter 100 to read as follows:

2-41 CHAPTER 100. USE OF FORCE IN DEFENSE OF COMMERCIAL NUCLEAR POWER
2-42 PLANTS

2-43 Sec. 100.001. AFFIRMATIVE DEFENSE. It is an affirmative
2-44 defense to a civil action for damages for personal injury or death
2-45 brought against a person performing duties under Article 2.122(f),
2-46 Code of Criminal Procedure, the person's employer, or the owner of a
2-47 commercial nuclear power plant where the person was working, that
2-48 at the time the cause of action arose the person was justified in
2-49 using force under Chapter 9, Penal Code.

2-50 SECTION 5. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2003.

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