

By: Simpson

H.B. No. 1938

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of whole-body scanners in airports;
providing criminal and civil penalties.

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

SECTION 1. Subchapter Z, Chapter 22, Transportation Code,
is amended by adding Section 22.902 to read as follows:

Sec. 22.902. WHOLE-BODY SCANNERS. (a) In this section:

(1) "Airport operator" means:

(A) a local government that owns or controls an
airport; or

(B) a person who operates, as the agent of a local
government or otherwise, an airport owned or controlled by the
local government.

(2) "Body imaging scanning equipment" means a device,
including a device that uses backscatter x-rays or millimeter
waves, that creates a visual image of a person's unclothed body and
is intended to detect concealed objects.

(b) An airport operator may not allow body imaging scanning
equipment to be installed or operated in any airport in this state.

(c) An airport operator commits an offense if the operator
fails to comply with Subsection (b).

(d) An airport operator who commits an offense under
Subsection (c) is subject to a civil penalty in an amount not to
exceed \$1,000 for each day of the violation.

1 (e) The attorney general may bring suit in a district court
2 of Travis County:

3 (1) for injunctive relief; or

4 (2) to collect the civil penalty described by
5 Subsection (d), plus court costs, reasonable attorney's fees, and
6 costs incurred by the attorney general.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2011.