

By: Paddie

H.B. No. 3557

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for engaging in certain conduct involving a critical infrastructure facility.

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

SECTION 1. This Act shall be known as the Critical Infrastructure Protection Act.

SECTION 2. Subtitle B, Title 4, Government Code, is amended by adding Chapter 424 to read as follows:

CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

Sec. 424.001. DEFINITION. In this chapter, "critical infrastructure facility" has the meaning assigned by Section 30.05(b)(7), Penal Code, and also includes a critical infrastructure facility that is being constructed and all of the equipment and appurtenances used during that construction.

Sec. 424.002. LIABILITY FOR DAMAGE TO CRITICAL INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct constituting an offense under Section 30.05(d)(3)(A)(iii), Penal Code, and who also damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility is liable to the property owner for damages arising from that conduct.

(b) It is not a defense to liability under this section that a defendant has been acquitted or has not been prosecuted or convicted under Section 30.05(d)(3)(A)(iii), Penal Code, or has been convicted of a different offense or of a different type or

1 class of offense, for the conduct that is alleged to give rise to  
2 liability under this section.

3 Sec. 424.003. CERTAIN VICARIOUS LIABILITY. Regardless of  
4 the relationship between the organization and the person, an  
5 organization that compensates a person for engaging in conduct  
6 occurring on the premises of a critical infrastructure facility is  
7 vicariously liable to the property owner, as provided by this  
8 chapter, for damages arising from the conduct if the conduct  
9 constituted an offense under Section 30.05(d)(3)(A)(iii), Penal  
10 Code.

11 Sec. 424.004. DAMAGES. (a) A claimant who prevails in a  
12 suit under Sections 424.002 or 424.003 shall be awarded:

13 (1) actual damages, including damages for mental  
14 anguish even if an injury other than mental anguish is not shown;

15 (2) court costs; and

16 (3) reasonable attorney's fees.

17 (b) In addition to an award under Subsection (a) and  
18 notwithstanding Section 41.008(c), Civil Practices and Remedies  
19 Code, a claimant who prevails in a suit under Section 424.002 or  
20 424.003 may recover exemplary damages.

21 Sec. 424.005. CAUSE OF ACTION CUMULATIVE. The cause of  
22 action created by Sections 424.002 or 424.003 is cumulative of any  
23 other remedy provided by common law or statute.

24 Sec. 424.006. NONAPPLICABILITY. Chapter 27, Civil  
25 Practices and Remedies Code, does not apply to a cause of action  
26 under this chapter.

27 SECTION 3. The change in law made by this Act applies only

1 to a cause of action that accrues on or after the effective date of  
2 this Act. A cause of action that accrues before the effective date  
3 of this Act is governed by the law in effect immediately before that  
4 date, and that law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2019.