

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1833
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Criminal Justice
5/19/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the past several years, there have been an alarming number of targeted attacks on critical electric grid infrastructure. The United States Department of Energy has reported that attacks on electrical substations have increased each year since 2017. Last year, there were 18 reported incidents at electrical stations in Texas. Fortunately, none resulted in significant damage or a loss of power. However, over the past few months, alone, there have been several attacks across the country that have resulted in hundreds of thousands of dollars in damage to facilities and a loss of power to tens of thousands of people. The impact of attacks like these can put the safety of the public at extreme risk.

H.B. 1833 sends a clear message that Texans will not tolerate attacks on the state's electrical grid. It will deter such attacks by providing severe penalties.

How the Bill Works

- H.B. 1833 makes it a third-degree felony to cause an impairment of a critical infrastructure facility or divert any public power supply resulting in less than \$150,000 in monetary loss.
- The committee substitute for H.B. 1833 adds the offense created by S.B. 947 into the penalty ladder for criminal mischief, making an attack on a critical infrastructure facility:
 - a second-degree felony to cause an extended power outage, defined as one lasting two hours or more or affecting 1,000 or more meters; and
 - first-degree felony if the extended power outage causes \$100,000 in property damage or is caused by the use of a firearm, drone, cyber attack, or explosive weapon.
- S.B. 947 passed with unanimous support from both the Senate Committee on Criminal Justice and the full Senate.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1833 amends current law relating to increasing the criminal penalty for the offense of criminal mischief involving a critical infrastructure facility or public power supply.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.03, Penal Code, by amending Subsection (b) and adding Subsection (l), as follows:

- (b) Provides that an offense under Section 28.03 (Criminal Mischief), except as provided by Subsections (f) (relating to providing that an offense is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000), (h) (relating to providing that an offense is a state jail felony if the

amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000 and the damage or destruction is inflicted on a public or private elementary school, secondary school, or institution of higher education), and (1), is:

(1)-(3) makes no changes to these subdivisions;

(4) a state jail felony in certain cases, including if the amount of pecuniary loss is less than \$30,000 and the actor meets certain criteria, including:

(i) causes wholly or partly impairment or interruption of property used for flood control purposes or a dam or of public communications, public transportation, public gas supply, rather than public gas or power supply, or other public service; or

(ii) causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas supply, rather than public gas or power supply, supply;

(5) a felony of the third degree if certain criteria are met, including if the amount of pecuniary loss is less than \$150,000 and the actor:

(i) causes wholly or partly impairment of a critical infrastructure facility or interruption of the operations of a critical infrastructure facility; or

(ii) causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public power supply; or

(6)-(7) makes no changes to these subdivisions.

(1) Provides that an offense under this section is:

(1) a felony of the second degree if:

(A) the tangible property damaged, destroyed, or tampered with is a critical infrastructure facility; and

(B) the actor causes an extended power outage; or

(2) a felony of the first degree if:

(A) the property damaged, destroyed, or tampered with is a critical infrastructure facility;

(B) the actor causes an extended power outage; and

(C) either:

(i) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or

(ii) the actor uses a firearm, drone, cyber attack, or explosive weapon in the commission of the offense.

SECTION 2. Amends Section 28.03(g), Penal Code, by adding Subdivisions (10), (11), (12), and (13) to define "critical infrastructure facility," "cyber attack," "drone," and "extended power outage."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.