

## **BILL ANALYSIS**

S.B. 947  
By: King  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Federal and state agencies have reported that attacks on energy-related infrastructure, specifically electric grid infrastructure, are at an all-time high across the country and are expected to continue to rise. As was demonstrated during Winter Storm Uri, the security and reliability of the electric power grid in Texas is of paramount importance to the safety and well-being of all Texans. Currently, Texas law does not expressly and specifically penalize intentional or knowing attacks on electric grid infrastructure as distinct from other types of criminal mischief. Recognizing the importance of securing the electric grid, the state needs a statute that specifically deals with this threat to send a clear message of deterrence and that provides for severe penalties in the event of a grid attack. S.B. 947 seeks to provide for this by creating the second-degree felony offense of damaging a critical infrastructure facility.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 947 amends the Penal Code to create the second-degree felony offense of damaging a critical infrastructure facility for a person who intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility without the effective consent of the facility's owner or operator and in a manner that causes an extended power outage lasting for two hours or more or affecting 1,000 or more meters used to measure electric energy consumption by retail customers. The bill enhances the penalty for the offense to a first-degree felony if the amount of pecuniary damage to the facility is \$100,000 or more or if the actor uses a firearm, drone, cyber attack, or explosive weapon in the commission of the offense. If conduct that constitutes this offense also constitutes another offense, the actor may be prosecuted for either or both offenses. For purposes of this offense, the bill defines "explosive weapon" and "firearm" by reference to Penal Code provisions relating to criminal mischief and to weapons offenses, respectively, and defines the following terms:

- "critical infrastructure facility" as an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility;
- "cyber attack" as an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system; and

- "drone" as an unmanned aircraft, watercraft, or ground vehicle or a robotic device that is controlled remotely by a human operator or operates autonomously through computer software or other programming.

S.B. 947 enhances the penalty for manslaughter from a second-degree felony to a first-degree felony if it is shown on the trial of the offense that the defendant committed the offense of damaging a critical infrastructure facility and that conduct caused the death of an individual.

S.B. 947 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

**EFFECTIVE DATE**

September 1, 2023.