

BILL ANALYSIS

Senate Research Center
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S.B. 947
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, the frequency of attacks on electric grid infrastructure has dramatically increased. Federal and state agencies report that such attacks on energy-related infrastructure – specifically electric grid infrastructure – are at an all-time high across the entire country and are expected to continue to rise. As we learned during the 2021 Winter Storm Uri event, the security and reliability of the Texas electric power grid is of paramount importance to the safety and wellbeing of all Texans. Currently, Texas law does not expressly and specifically penalize intentional or knowing attacks on electric grid infrastructure, as differentiated from other types of criminal mischief. We need 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 addresses this issue by adding a separate, express prohibition and penalty for attacks on electric grid infrastructure that result in a power outage lasting more than 24 hours. Intentional attacks on such critical electric infrastructure can be prosecuted as a second-degree felony. An intentional attack on such infrastructure could be prosecuted as a first-degree felony if it results in the death of any individual, is committed using a firearm or explosive, or causes damage to critical infrastructure in an amount of \$100,000 more.

S.B. 947 creates a new criminal offense relating to intentional attacks on critical infrastructure facilities because such attacks are a clear and present danger to all Texans.

This bill has support from all sectors of the electric industry. At this time, we are unaware of any opposition to the bill.

As proposed, S.B. 947 amends current law relating to creating a criminal offense for damaging certain critical infrastructure facilities and providing for the prosecution of that conduct as manslaughter in certain circumstances and increases a criminal penalty.

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 19.04(b), Penal Code, as follows:

(b) Provides that an offense under Section 19.04 (Manslaughter) is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that the defendant committed an offense under Section 28.09 and that conduct caused the death of an individual.

SECTION 2. Amends Chapter 28, Penal Code, by adding Section 28.09, as follows:

Sec. 28.09. DAMAGING CRITICAL INFRASTRUCTURE FACILITY. (a) Defines "critical infrastructure facility," "explosive weapon," "extended power outage," and "firearm."

(b) Provides that a person commits an offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person:

(1) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and

(2) as a result of the conduct described by Subdivision (1), causes an extended power outage.

(c) Provides that an offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

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

(2) the actor uses a firearm or explosive weapon in the commission of the offense.

(d) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.