88R9089 MZM-F

By:  King S.B. No. 947

A BILL TO BE ENTITLED

AN ACT

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; increasing a criminal penalty.

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

SECTION 1.  Section 19.04(b), Penal Code, is amended to read as follows:

(b)  An offense under this section 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.  Chapter 28, Penal Code, is amended by adding Section 28.09 to read as follows:

Sec. 28.09.  DAMAGING CRITICAL INFRASTRUCTURE FACILITY. (a) In this section:

(1)  "Critical infrastructure facility" means an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility.

(2)  "Explosive weapon" has the meaning assigned by Section 28.03.

(3)  "Extended power outage" means a power outage lasting for more than 24 hours.

(4)  "Firearm" has the meaning assigned by Section 46.01.

(b)  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)  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)  If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 3.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4.  This Act takes effect September 1, 2023.