

By: Hunter

H.B. No. 2997

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to creating a criminal offense for damaging certain  
3 critical infrastructure facilities and providing for the  
4 prosecution of that conduct as manslaughter in certain  
5 circumstances; increasing a criminal penalty.

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

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

9 (b) An offense under this section is a felony of the second  
10 degree, except that the offense is a felony of the first degree if  
11 it is shown on the trial of the offense that the defendant committed  
12 an offense under Section 28.09 and that conduct caused the death of  
13 an individual.

14 SECTION 2. Chapter 28, Penal Code, is amended by adding  
15 Section 28.09 to read as follows:

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

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

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

24 (3) "Extended power outage" means a power outage

1 lasting for more than 24 hours.

2 (4) "Firearm" has the meaning assigned by Section  
3 46.01.

4 (b) A person commits an offense if, without the effective  
5 consent of the owner or operator of a critical infrastructure  
6 facility, the person:

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

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

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

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

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

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

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

1 before that date.

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