

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1517
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Infrastructure Development and Security
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Committee Report (Substituted)

DIGEST AND PURPOSE

The United States Nuclear Regulatory Commission (NRC) requires commercial nuclear power plants to maintain rigorous security programs and approved security plans. The NRC also imposes extensive training and qualification requirements for site security personnel. Since the terrorist attacks of September 11, 2001, the NRC and the nuclear industry has worked to strengthen nuclear plants' capability and readiness to respond to potential threats on nuclear facilities. For nuclear plants to fully meet NRC directives and to enhance plant security, nuclear plant security personnel need greater authority under state law to respond to dangerous situations. C.S.S.B. 1517 authorizes security personnel trained and qualified under an NRC-approved security plan, including security contract personnel, to perform certain activities, including arrest and search and seizure, while in the performance of their duties at a commercial nuclear power plant, licensed by NRC. This bill also authorizes commercial nuclear power plant licensees to obtain criminal history record information from the Department of Public Safety, and prohibits release of such information except in certain circumstances.

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 Article 2.122, Code of Criminal Procedure, by adding Subsection (f), as follows:

(f) Provides that security personnel working at a commercial nuclear power plant, including security contract personnel, trained and qualified under a security plan approved by the Nuclear Regulatory Commission, are not peace officers under the laws of this state, except that such personnel have the powers of arrest, search, and seizure, including the powers under Section 9.51 (Arrest and Search), Penal Code, while in the performance of their duties on the premises of a commercial nuclear power plant site, or under agreements with local law enforcement regarding areas surrounding the plant site.

SECTION 2. Amends Section, 1702.324(b), Occupations Code, to make conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 411F, Government Code, by adding Section 411.1181, as follows:

Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a) Provides that commercial nuclear power plant licensees, and its contractors, for security reasons and consistent with United States Nuclear Regulatory Commission requirements, are entitled to obtain criminal history record information from the Department of Public Safety of the State of Texas (DPS), maintained by DPS, that relates to a person who has or is seeking employment at or access to the commercial nuclear power plant.

(b) Requires DPS to place a high priority on requests under Subsection (a) and to respond as expeditiously as possible, and in no event later than two business days

after the date the request is received.

(c) Prohibits criminal history information obtained from DPS from being released or disclosed, except as needed in protecting the security of a commercial nuclear power plant, or as authorized by the United States Nuclear Regulatory Commission, a court order, or a federal or state law or order.

SECTION 4. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 100, as follows:

CHAPTER 100. USE OF FORCE IN DEFENSE OF COMMERCIAL NUCLEAR POWER PLANTS

Sec. 100.001. AFFIRMATIVE DEFENSE. Provides that it is an affirmative defense to a civil action, for damages for personal injury or death brought against a person performing duties under Article 2.122(f), Code of Criminal Procedure, the person's employer, or the owner of a commercial nuclear power plant where the person was working, that at the time the cause of action arose the person was justified in using force under Chapter 9 (Arrest and Search), Penal Code.

SECTION 5. Effective Date: upon passage or September 1, 2003.