AN ACT

relating to authority of security personnel at commercial nuclear
power plants.

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

SECTION 1. Article 2.122, Code of Criminal Procedure, is
amended by adding Subsection (f) to read as follows:

(f) Security personnel working at a commercial nuclear
power plant, including contract security personnel, trained and
qualified under a security plan approved by the United States
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, Penal Code, while in the performance of their duties on the
premises of a commercial nuclear power plant site or under
agreements entered into with local law enforcement regarding areas
surrounding the plant site.

SECTION 2. Subsection (b), Section 1702.324, Occupations
Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a manufacturer or a manufacturer's authorized
distributor who sells equipment to a license holder that is used in
the operations for which the person is required to be licensed;

(2) a person engaged exclusively in the business of
obtaining and providing information to:
(A) determine creditworthiness;

(B) collect debts; or

(C) ascertain the reliability of information provided by an applicant for property, life, or disability insurance or an indemnity or surety bond;

(3) a person engaged exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(4) a locksmith who:

(A) does not install or service detection devices;

(B) does not conduct investigations; and

(C) is not a security services contractor;

(5) a person who:

(A) is engaged in the business of psychological testing or other testing and interviewing services, including services to determine attitudes, honesty, intelligence, personality, and skills, for preemployment purposes; and

(B) does not perform any other service that requires a license under this chapter;

(6) a person who:

(A) is engaged in obtaining information that is a public record under Chapter 552, Government Code, regardless of whether the person receives compensation;

(B) is not a full-time employee, as defined by Section 61.001, Labor Code, of a person licensed under this chapter; and
(C) does not perform any other act that requires
a license under this chapter;

(7) a licensed professional engineer practicing
engineering or directly supervising engineering practice under The
Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil
Statutes), including forensic analysis, burglar alarm system
engineering, and necessary data collection;

(8) an employee of a cattle association who inspects
livestock brands under the authority granted to the cattle
association by the Grain Inspection, Packers and Stockyards
Administration of the United States Department of Agriculture;

(9) a landman performing activities in the course and
scope of the landman's business;

(10) an attorney while engaged in the practice of law;

(11) a person who obtains a document for use in
litigation under an authorization or subpoena issued for a written
or oral deposition; [\(\text{\cdot}\)]

(12) an admitted insurer, insurance adjuster, agent,
or insurance broker licensed by the state, performing duties in
connection with insurance transacted by that person; or

(13) security personnel, including security contract
personnel, working at a commercial nuclear power plant licensed by
the United States Nuclear Regulatory Commission.

SECTION 3. Subchapter F, Chapter 411, Government Code, is
amended by adding Section 411.1181 to read as follows:

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

(b) The department shall place a high priority on requests
under Subsection (a) and respond as expeditiously as possible; in
no event shall the department respond later than two business days
after the date the request is received by the department.

(c) Criminal history information obtained from the
department may not be 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. Title 4, Civil Practice and Remedies Code, is
amended by adding Chapter 100 to read as follows:

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

Sec. 100.001. AFFIRMATIVE DEFENSE. 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, Penal Code.

SECTION 5. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

David Dewhurst  
President of the Senate

Jim Crutchfield  
Speaker of the House

I hereby certify that S.B. No. 1517 passed the Senate on May 8, 2003, by the following vote: Yeas 31, Nays 0.

Art Smith  
Secretary of the Senate

I hereby certify that S.B. No. 1517 passed the House on May 25, 2003, by the following vote: Yeas 117, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

20 JUN 03  
Date

Rick Perry  
Governor

Filed in the Office of the Secretary of State  
9:30 AM, O'Clock

Jun 20 2003  
Secretary of State