

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Paddie

H.B. No. 3557

A BILL TO BE ENTITLED

1

AN ACT

2 relating to civil and criminal liability for engaging in certain  
3 conduct involving a critical infrastructure facility; creating  
4 criminal offenses.

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

6 SECTION 1. This Act shall be known as the Critical  
7 Infrastructure Protection Act.

8 SECTION 2. Subtitle B, Title 4, Government Code, is amended  
9 by adding Chapter 424 to read as follows:

10 CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 424.001. DEFINITION. In this chapter, "critical  
13 infrastructure facility" has the meaning assigned by Section  
14 423.0045(a)(1-a) and also includes:

15 (1) any pipeline transporting oil or gas or the  
16 products or constituents of oil or gas; and

17 (2) a facility or pipeline described by this section  
18 that is under construction and all equipment and appurtenances used  
19 during that construction.

20 SUBCHAPTER B. CRIMINAL LIABILITY

21 Sec. 424.051. OFFENSE: DAMAGE TO CRITICAL INFRASTRUCTURE  
22 FACILITY. (a) A person commits an offense if, without the  
23 effective consent of the owner, the person enters or remains on or  
24 in a critical infrastructure facility and intentionally or

1 knowingly destroys the facility or impairs or interrupts the  
2 operation of the facility.

3 (b) An offense under this section is a felony of the third  
4 degree.

5 (c) If conduct constituting an offense under this section  
6 also constitutes an offense under another law, the actor may be  
7 prosecuted under this section, the other law, or both.

8 Sec. 424.052. OFFENSE: INTENT TO DAMAGE CRITICAL  
9 INFRASTRUCTURE FACILITY. (a) A person commits an offense if,  
10 without the effective consent of the owner, the person enters or  
11 remains on or in a critical infrastructure facility with the intent  
12 to destroy the facility or impair or interrupt the operation of the  
13 facility.

14 (b) An offense under this section is a state jail felony.

15 (c) If conduct constituting an offense under this section  
16 also constitutes an offense under another law, the actor may be  
17 prosecuted under this section, the other law, or both.

18 Sec. 424.053. PUNISHMENT FOR CORPORATIONS AND  
19 ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court  
20 shall sentence a corporation or association adjudged guilty of an  
21 offense under this subchapter to pay a fine not to exceed \$500,000.

22 Sec. 424.054. RESTITUTION. If a defendant is convicted of  
23 an offense under this subchapter and the offense results in damage  
24 to or destruction of property, a court may, in accordance with  
25 Article 42.037, Code of Criminal Procedure, order the defendant to  
26 make restitution to the owner of the damaged or destroyed property,  
27 or the owner's designee, in an amount equal to the value of the

1 property on the date of the damage or destruction.

2 SUBCHAPTER C. CIVIL LIABILITY

3 Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL  
4 INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct  
5 constituting an offense under Section 424.051 or 424.052 is liable  
6 to the property owner, as provided by this subchapter, for damages  
7 arising from that conduct.

8 (b) It is not a defense to liability under this section that  
9 a defendant has been acquitted or has not been prosecuted or  
10 convicted under Section 424.051 or 424.052, or has been convicted  
11 of a different offense or of a different type or class of offense,  
12 for the conduct that is alleged to give rise to liability under this  
13 section.

14 Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to  
15 any liability under Section 424.101, an organization that, acting  
16 through an officer, director, or other person serving in a  
17 managerial capacity, knowingly compensates a person for engaging in  
18 conduct occurring on the premises of a critical infrastructure  
19 facility is liable to the property owner, as provided by this  
20 subchapter, for damages arising from the conduct if the conduct  
21 constituted an offense under Section 424.051 or 424.052.

22 Sec. 424.103. DAMAGES. (a) A claimant who prevails in a  
23 suit under this subchapter shall be awarded:

24 (1) actual damages; and

25 (2) court costs.

26 (b) In addition to an award under Subsection (a), a claimant  
27 who prevails in a suit under this subchapter may recover exemplary

1 damages.

2 Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of  
3 action created by this subchapter is cumulative of any other remedy  
4 provided by common law or statute.

5 Sec. 424.105. NONAPPLICABILITY. The following provisions  
6 of the Civil Practice and Remedies Code do not apply to a cause of  
7 action arising under this subchapter:

8 (1) Chapter 27; and

9 (2) Section 41.008.

10 SECTION 3. Section 423.0045(a)(1), Government Code, as  
11 amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of  
12 the 85th Legislature, Regular Session, 2017, is reenacted to read  
13 as follows:

14 (1) "Correctional facility" means:

15 (A) a confinement facility operated by or under  
16 contract with any division of the Texas Department of Criminal  
17 Justice;

18 (B) a municipal or county jail;

19 (C) a confinement facility operated by or under  
20 contract with the Federal Bureau of Prisons; or

21 (D) a secure correctional facility or secure  
22 detention facility, as defined by Section 51.02, Family Code.

23 SECTION 4. Section 423.0045(a)(1-a), Government Code, as  
24 added by Chapter 1010 (H.B. 1424), Acts of the 85th Legislature,  
25 Regular Session, 2017, is reenacted to conform to the changes made  
26 to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B.  
27 1643), Acts of the 85th Legislature, Regular Session, 2017, to read

1 as follows:

2 (1-a) "Critical infrastructure facility" means:

3 (A) one of the following, if completely enclosed  
4 by a fence or other physical barrier that is obviously designed to  
5 exclude intruders, or if clearly marked with a sign or signs that  
6 are posted on the property, are reasonably likely to come to the  
7 attention of intruders, and indicate that entry is forbidden:

8 (i) a petroleum or alumina refinery;

9 (ii) an electrical power generating  
10 facility, substation, switching station, or electrical control  
11 center;

12 (iii) a chemical, polymer, or rubber  
13 manufacturing facility;

14 (iv) a water intake structure, water  
15 treatment facility, wastewater treatment plant, or pump station;

16 (v) a natural gas compressor station;

17 (vi) a liquid natural gas terminal or  
18 storage facility;

19 (vii) a telecommunications central  
20 switching office or any structure used as part of a system to  
21 provide wired or wireless telecommunications services;

22 (viii) a port, railroad switching yard,  
23 trucking terminal, or other freight transportation facility;

24 (ix) a gas processing plant, including a  
25 plant used in the processing, treatment, or fractionation of  
26 natural gas;

27 (x) a transmission facility used by a

1 federally licensed radio or television station;

2 (xi) a steelmaking facility that uses an  
3 electric arc furnace to make steel;

4 (xii) a dam that is classified as a high  
5 hazard by the Texas Commission on Environmental Quality; or

6 (xiii) a concentrated animal feeding  
7 operation, as defined by Section 26.048, Water Code; or

8 (B) if enclosed by a fence or other physical  
9 barrier obviously designed to exclude intruders:

10 (i) any portion of an aboveground oil, gas,  
11 or chemical pipeline;

12 (ii) an oil or gas drilling site;

13 (iii) a group of tanks used to store crude  
14 oil, such as a tank battery;

15 (iv) an oil, gas, or chemical production  
16 facility;

17 (v) an oil or gas wellhead; or

18 (vi) any oil and gas facility that has an  
19 active flare.

20 SECTION 5. The change in law made by this Act in adding  
21 Subchapter C, Chapter 424, Government Code, applies only to a cause  
22 of action that accrues on or after the effective date of this Act. A  
23 cause of action that accrues before the effective date of this Act  
24 is governed by the law in effect immediately before that date, and  
25 that law is continued in effect for that purpose.

26 SECTION 6. To the extent of any conflict, this Act prevails  
27 over another Act of the 86th Legislature, Regular Session, 2019,

H.B. No. 3557

1 relating to nonsubstantive additions to and corrections in enacted  
2 codes.

3           SECTION 7. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

*Patsy Drew*  
Secretary of the Senate

By: *Tim Sidwell*

H.B. No. 3557

Substitute the following for \_\_.B. No. \_\_\_\_:

By: *Tim Sidwell*

C.S. \_\_.B. No. \_\_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to civil and criminal liability for engaging in certain  
3 conduct involving a critical infrastructure facility; creating  
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act shall be known as the Critical  
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8 SECTION 2. Subtitle B, Title 4, Government Code, is amended  
9 by adding Chapter 424 to read as follows:

10 CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 424.001. DEFINITION. In this chapter, "critical  
13 infrastructure facility" has the meaning assigned by Section  
14 423.0045(a)(1-a) and also includes:

15 (1) any pipeline transporting oil or gas or the  
16 products or constituents of oil or gas; and

17 (2) a facility or pipeline described by this section  
18 that is under construction and all equipment and appurtenances used  
19 during that construction.

20 SUBCHAPTER B. CRIMINAL LIABILITY

21 Sec. 424.051. OFFENSE: DAMAGING OR DESTROYING CRITICAL  
22 INFRASTRUCTURE FACILITY. (a) A person commits an offense if,  
23 without the effective consent of the owner, the person enters or  
24 remains on or in a critical infrastructure facility and



1 intentionally or knowingly damages or destroys the facility or  
2 impairs or interrupts the operation of the facility.

3 (b) An offense under this section is a felony of the third  
4 degree.

5 (c) If conduct constituting an offense under this section  
6 also constitutes an offense under another law, the actor may be  
7 prosecuted under this section, the other law, or both.

8 Sec. 424.052. OFFENSE: INTENT TO DAMAGE OR DESTROY  
9 CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense  
10 if, without the effective consent of the owner, the person enters or  
11 remains on or in a critical infrastructure facility with the intent  
12 to damage or destroy the facility or impair or interrupt the  
13 operation of the facility.

14 (b) An offense under this section is a state jail felony.

15 (c) If conduct constituting an offense under this section  
16 also constitutes an offense under another law, the actor may be  
17 prosecuted under this section, the other law, or both.

18 Sec. 424.053. PUNISHMENT FOR CORPORATIONS AND  
19 ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court  
20 shall sentence a corporation or association adjudged guilty of an  
21 offense under this subchapter to pay a fine not to exceed \$500,000.

22 Sec. 424.054. RESTITUTION. If a defendant is convicted of  
23 an offense under this subchapter and the offense results in damage  
24 to or destruction of property, a court may, in accordance with  
25 Article 42.037, Code of Criminal Procedure, order the defendant to  
26 make restitution to the owner of the damaged or destroyed property,  
27 or the owner's designee, in an amount equal to the value of the

1 property on the date of the damage or destruction.

2 SUBCHAPTER C. CIVIL LIABILITY

3 Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL  
4 INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct  
5 constituting an offense under Section 424.051 or 424.052 is liable  
6 to the property owner, as provided by this subchapter, for damages  
7 arising from that conduct.

8 (b) It is not a defense to liability under this section that  
9 a defendant has been acquitted or has not been prosecuted or  
10 convicted under Section 424.051 or 424.052, or has been convicted  
11 of a different offense or of a different type or class of offense,  
12 for the conduct that is alleged to give rise to liability under this  
13 section.

14 Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to  
15 any liability under Section 424.101, an organization that, acting  
16 through an officer, director, or other person serving in a  
17 managerial capacity, knowingly compensates a person for engaging in  
18 conduct occurring on the premises of a critical infrastructure  
19 facility is liable to the property owner, as provided by this  
20 subchapter, for damages arising from the conduct if the conduct  
21 constituted an offense under Section 424.051 or 424.052.

22 Sec. 424.103. DAMAGES. (a) A claimant who prevails in a  
23 suit under this subchapter shall be awarded:

24 (1) actual damages; and

25 (2) court costs.

26 (b) In addition to an award under Subsection (a), a claimant  
27 who prevails in a suit under this subchapter may recover exemplary

1 damages.

2 Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of  
3 action created by this subchapter is cumulative of any other remedy  
4 provided by common law or statute.

5 Sec. 424.105. NONAPPLICABILITY. The following provisions  
6 of the Civil Practice and Remedies Code do not apply to a cause of  
7 action arising under this subchapter:

8 (1) Chapter 27; and

9 (2) Section 41.008.

10 SECTION 3. Section 423.0045(a)(1), Government Code, as  
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20 contract with the Federal Bureau of Prisons; or

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22 detention facility, as defined by Section 51.02, Family Code.

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27 1643), Acts of the 85th Legislature, Regular Session, 2017, to read

1 as follows:

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3 (A) one of the following, if completely enclosed  
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6 are posted on the property, are reasonably likely to come to the  
7 attention of intruders, and indicate that entry is forbidden:

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9 (ii) an electrical power generating  
10 facility, substation, switching station, or electrical control  
11 center;

12 (iii) a chemical, polymer, or rubber  
13 manufacturing facility;

14 (iv) a water intake structure, water  
15 treatment facility, wastewater treatment plant, or pump station;

16 (v) a natural gas compressor station;

17 (vi) a liquid natural gas terminal or  
18 storage facility;

19 (vii) a telecommunications central  
20 switching office or any structure used as part of a system to  
21 provide wired or wireless telecommunications services;

22 (viii) a port, railroad switching yard,  
23 trucking terminal, or other freight transportation facility;

24 (ix) a gas processing plant, including a  
25 plant used in the processing, treatment, or fractionation of  
26 natural gas;

27 (x) a transmission facility used by a

1 federally licensed radio or television station;

2 (xi) a steelmaking facility that uses an  
3 electric arc furnace to make steel;

4 (xii) a dam that is classified as a high  
5 hazard by the Texas Commission on Environmental Quality; or

6 (xiii) a concentrated animal feeding  
7 operation, as defined by Section 26.048, Water Code; or

8 (B) if enclosed by a fence or other physical  
9 barrier obviously designed to exclude intruders:

10 (i) any portion of an aboveground oil, gas,  
11 or chemical pipeline;

12 (ii) an oil or gas drilling site;

13 (iii) a group of tanks used to store crude  
14 oil, such as a tank battery;

15 (iv) an oil, gas, or chemical production  
16 facility;

17 (v) an oil or gas wellhead; or

18 (vi) any oil and gas facility that has an  
19 active flare.

20 SECTION 5. The change in law made by this Act in adding  
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22 of action that accrues on or after the effective date of this Act. A  
23 cause of action that accrues before the effective date of this Act  
24 is governed by the law in effect immediately before that date, and  
25 that law is continued in effect for that purpose.

26 SECTION 6. To the extent of any conflict, this Act prevails  
27 over another Act of the 86th Legislature, Regular Session, 2019,

1 relating to nonsubstantive additions to and corrections in enacted  
2 codes.

3         SECTION 7. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.

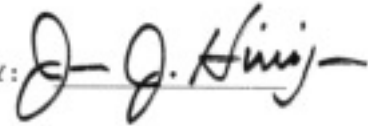
ADOPTED

MAY 20 2019

FLOOR AMENDMENT NO. 1

BY:

  
Secretary of the Senate



1 Amend C.S.H.B. No. 3557 (senate committee printing) in  
2 SECTION 2 of the bill as follows:

3 (1) In added Section 424.051(a), Government Code (page 1,  
4 lines 46 and 47), strike "or impairs or interrupts the operation  
5 of the facility".

6 (2) In added Subchapter B, Chapter 424, Government Code  
7 (page 1, between lines 52 and 53), insert the following:

8 Sec. 424.052. OFFENSE: IMPAIRING OR INTERRUPTING OPERATION  
9 OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an  
10 offense if, without the effective consent of the owner, the person  
11 enters or remains on or in a critical infrastructure facility and  
12 intentionally or knowingly impairs or interrupts the operation of  
13 the facility.

14 (b) An offense under this section is a misdemeanor  
15 punishable by a fine not to exceed \$10,000 or confinement in jail  
16 for a term not to exceed one year, or both the fine and confinement.

17 (c) If conduct constituting an offense under this section  
18 also constitutes an offense under another law, the actor may be  
19 prosecuted under this section, the other law, or both.

20 (3) In added Subchapter B, Chapter 424, Government Code  
21 (page 1, line 53), strike "424.052" and substitute "424.053".

22 (4) In added Section 424.052(a), Government Code (page 1,  
23 lines 57 and 58), strike "or impair or interrupt the operation of  
24 the facility".

25 (5) In added Subchapter B, Chapter 424, Government Code  
26 (page 2, between lines 2 and 3), insert the following:

27 Sec. 424.054. OFFENSE: INTENT TO IMPAIR OR INTERRUPT  
28 OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person  
29 commits an offense if, without the effective consent of the owner,

1 the person enters or remains on or in a critical infrastructure  
2 facility with the intent to impair or interrupt the operation of  
3 the facility.

4 (b) An offense under this section is a Class A misdemeanor.

5 (c) If conduct constituting an offense under this section  
6 also constitutes an offense under another law, the actor may be  
7 prosecuted under this section, the other law, or both.

8 (6) In added Subchapter B, Chapter 424, Government Code  
9 (page 2, line 3), strike "424.053" and substitute "424.055".

10 (7) In added Subchapter B, Chapter 424, Government Code  
11 (page 2, line 7), strike "424.054" and substitute "424.056".

12 (8) In added Section 424.101(a), Government Code (page 2,  
13 line 17), strike "424.051 or 424.052" and substitute "424.051,  
14 424.052, 424.053, or 424.054".

15 (9) In added Section 424.101(b), Government Code (page 2,  
16 line 22), strike "424.051 or 424.052" and substitute "424.051,  
17 424.052, 424.053, or 424.054".

18 (10) In added Section 424.102, Government Code (page 2, line  
19 33), strike "424.051 or 424.052" and substitute "424.051, 424.052,  
20 424.053, or 424.054".



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3557** by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Passed 2nd House**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.**

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages or destroys a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

The bill would create a criminal misdemeanor offense, punishable by a fine not to exceed \$10,000 or confinement in jail not to exceed one year, for a person who knowingly impairs or interrupts the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a Class A misdemeanor.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated. The Office of Court Administration does not anticipate a significant impact to the state court system.

**Local Government Impact**

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 696 Department of Criminal Justice,  
212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SPa, SZ, MW, DA, SLE, LM, LCO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 2nd House, Substituted**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.**

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages or destroys a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

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**Source Agencies:** 304 Comptroller of Public Accounts, 696 Department of Criminal Justice,  
212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SPa, SZ, MW, DA, SLE, LM, LCO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 14, 2019**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3557** by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Engrossed**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.**

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

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**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304  
Comptroller of Public Accounts, 696 Department of Criminal Justice  
**LBB Staff:** WP, SZ, MW, DA, SLE, LM, SPa, LCO

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

IN RE: **HB3557** by Paddie (relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 1st House, Substituted**

**The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.**

The bill would amend the Government Code to create a criminal offense punishable as a second degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. The Office of Court Administration does not anticipate a significant impact to the state court system. According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated.

**Local Government Impact**

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

**Source Agencies:**     212 Office of Court Administration, Texas Judicial Council, 304  
   Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** WP, SLE, MW, DA, LM, SPa, LCO

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 21, 2019

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3557** by Paddie (Relating to civil liability for engaging in certain conduct involving a critical infrastructure facility.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to create a new cause of action for a person who engages in conduct that constitutes a criminal offense of criminal trespass of a critical infrastructure facility.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house or September 1, 2019.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, SLE, MW, DA



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3557** by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create criminal offenses for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility or impairs or interrupts the operation of the facility. The bill also creates criminal offenses if the person enters or remains on or in the facility with the intent to commit these actions. These offenses would be punishable as a misdemeanor or felony depending on the circumstances of the offense.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. The misdemeanor specified in the bill is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$10,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed under community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

**Source Agencies:**

**LBB Staff:** WP, SPa, LM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** John McGeady, Assistant Director Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB3557** by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility or impairs or interrupts facility operations. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed under community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

**Source Agencies:**

**LBB Staff:** WP, SPa, LM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**May 14, 2019**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3557** by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly destroys the facility or impairs or interrupts the facility operations. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed on community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

**Source Agencies:**

**LBB Staff:** WP, SPa, LM

LEGISLATIVE BUDGET BOARD  
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director  
Legislative Budget Board

IN RE: **HB3557** by Paddie (relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a second degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed on community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

**Source Agencies:**

**LBB Staff:** WP, SPa, LM