

HOUSE BILL NO. 1797

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER (49).

5155H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 578, RSMo, by adding thereto four new sections relating to the nuclear power plant security guard act, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 578, RSMo, is amended by adding thereto four new sections, to be known as sections 578.531, 578.532, 578.533, and 578.534, to read as follows:

578.531. Sections 578.531 to 578.534 shall be known and may be cited as the "Nuclear Power Plant Security Guard Act".

578.532. As used in the nuclear power plant security guard act, the following terms mean:

(1) "Armed nuclear security guard", a security guard who works at a nuclear power plant, who is employed as part of the security plan approved by the United States Nuclear Regulatory Commission, and who meets the requirements mandated by the United States Nuclear Regulatory Commission for carrying a firearm;

(2) "Electric utility", every public utility, as that term is defined under section 386.020, that owns, controls, operates or manages any equipment, plant, or generating machinery for the production, transmission, delivery, or furnishing of electricity or electric power;

(3) "Enter", the intrusion of any part of any instrument or any part of a person's body into a nuclear power plant or into a structure or fenced yard of a nuclear power plant;

(4) "Entering or remaining unlawfully", an act by a person who enters or remains in or on a nuclear power plant or within a structure or fenced yard of a nuclear power

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 plant if that person's intent for entering or remaining is not licensed, authorized, or
17 otherwise privileged;

18 (5) "Nuclear power plant", an electric power generating facility that produces
19 electricity by means of a nuclear reactor owned by an electric utility or a consortium of
20 electric utilities. "Nuclear power plant" shall include the property on which the facility
21 is located;

22 (6) "Structure or fenced yard", any structure, fenced yard, wall, building, other
23 similar barrier, or any combination of the foregoing that is part of a nuclear power plant
24 and that is posted with signage indicating it is a felony to trespass.

578.533. 1. The offense of trespass on a nuclear power plant shall occur if a person
2 either:

3 (1) Knowingly enters or remains unlawfully in or on a nuclear power plant; or

4 (2) Knowingly enters or remains unlawfully within a structure or fenced yard of
5 a nuclear power plant.

6 2. Criminal trespass on a nuclear power plant is a class E felony.

578.534. 1. Notwithstanding sections 563.031 and 563.041, an armed nuclear
2 security guard may use the following levels of physical force against another person at a
3 nuclear power plant or within a structure or fenced yard of a nuclear power plant if the
4 armed nuclear security guard reasonably believes that such force is necessary:

5 (1) An armed nuclear security guard may use physical force up to and including
6 deadly physical force to:

7 (a) Prevent an action that would constitute murder in the first or second degree
8 under section 565.020 or 565.021;

9 (b) Prevent an action that would constitute manslaughter under section 565.023;

10 (c) Prevent an action that would constitute assault in the first or second degree
11 under section 565.050 or 565.052; or

12 (d) Defend himself, herself, or a third person from the use or imminent use of
13 deadly physical force; and

14 (2) An armed nuclear security guard may use physical force up to but not including
15 deadly physical force to prevent an action that would constitute:

16 (a) Assault in the third or fourth degree under section 565.054 or 565.056;

17 (b) Kidnapping in the first, second, or third degree under section 565.110, 565.120,
18 or 565.130;

19 (c) Burglary in the first or second degree under section 569.160 or 569.170;

20 (d) Arson in the first, second, or third degree under section 569.040, 569.050, or
21 569.053;

- 22 (e) Criminal damage to property in the first degree under section 569.100;
- 23 (f) Robbery in the first or second degree under section 570.023 or 570.025;
- 24 (g) Armed criminal action under section 571.015; or
- 25 (h) Criminal trespass in the first degree on a nuclear power plant under section
- 26 578.533.

27 2. Notwithstanding any other provision of the nuclear power plant security guard
28 act, an armed nuclear security guard is justified in threatening to use physical force or
29 deadly physical force if and to the extent a reasonable armed nuclear security guard
30 believes it necessary to protect himself, herself, or others against another person's potential
31 use of physical force or deadly physical force.

32 3. No armed nuclear security guard, employer of an armed nuclear security guard,
33 or owner of a nuclear power plant shall be subject to civil liability for conduct of an armed
34 nuclear security guard that is justified under the nuclear power plant security guard act.

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