

Testimony on HB 2703.
Senate Utilities Committee
March 1, 2006
By Representative Mario Goico

Honorable Chairman Emler and distinguished senators members of the committee

Nuclear generating stations can be targets of terrorists or others who would want to create harm. Currently, security guards at nuclear facilities are limited in their ability to deter serious criminal act committed by hostile trespassers. The men and women that protect these facilities must be provided the necessary authorizations to allow them to responsibly carry out their duties. This bill provides explicit authorization for the use of deadly force when necessary.

HB 2703 would create the Nuclear Generating Facility Security Guard Act. This bill would add nuclear generating facilities to the definition of "criminal trespassing" in statutes regarding crimes against property. Criminal trespassing on a nuclear power plant will be a severity level 6, personal felony. The bill would authorizes the use of physical or deadly force by an armed nuclear security officer against another person who is on the facility's property and the guard believes this person will cause personal harm, property damage, use criminal weapons or is criminally trespassing.

The bill also provides protection from liability for the guards and the owners of the facility, if the officers use deadly force and have reasonable belief of the need for such force to defend themselves or another person. Also, an armed nuclear security guard could threaten to use physical or deadly physical force against another person if the guards believe it necessary to protect themselves or the facility.

Provide the officers with the assurance that if the facility is threatened they can use the necessary force to counter that threat without the possibility of legal action or civil liability. The officer must have reasonable belief of the need for such force. The guard's reasonable belief would be a defense to any civil or criminal action taken against the guard or the facility owners for false arrest, false or unlawful imprisonment, or wrongful detention. This bill requires that the officers hired by Wolf Creek must pass extensive testing and training.