

SECOND REGULAR SESSION

# SENATE BILL NO. 830

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 29, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5624S.011

## AN ACT

To amend chapter 578, RSMo, by adding thereto four new sections relating to unlawful activity on nuclear power plant property, 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) "Electrical corporation", the same as defined in section 386.020;

(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) "Remains unlawfully", an act by a person who remains in or on a nuclear power plant or within a structure or fenced yard of a nuclear power plant if that person's intent for remaining is not licensed, authorized, or otherwise privileged;

(5) "Nuclear power plant", an electric power generating facility that produces electricity by means of a nuclear reactor owned by an

19 electrical corporation or a consortium of electrical  
20 corporations. "Nuclear power plant" shall include the property on  
21 which the facility is located;

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

578.533. 1. A person commits the offense of trespass on a nuclear  
2 power plant if he or she:

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

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

7 2. The offense of trespass on a nuclear power plant is a class E  
8 felony.

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

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

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

10 (b) Prevent an action that would constitute voluntary  
11 manslaughter under section 565.023;

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

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

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

19 (a) Assault in the third or fourth degree under section 565.054 or  
20 565.056;

21 (b) Kidnapping in the first, second, or third degree under section  
22 565.110, 565.120, or 565.130;

23           **(c) Burglary in the first or second degree under section 569.160**  
24 **or 569.170;**

25           **(d) Arson in the first, second, or third degree under section**  
26 **569.040, 569.050, or 569.053;**

27           **(e) Criminal damage to property in the first degree under section**  
28 **569.100;**

29           **(f) Robbery in the first or second degree under section 570.023**  
30 **or 570.025;**

31           **(g) Armed criminal action under section 571.015; or**

32           **(h) Criminal trespass in the first degree on a nuclear power**  
33 **plant under section 578.533.**

34           **2. Notwithstanding any other provision of the nuclear power**  
35 **plant security guard act, an armed nuclear security guard is justified**  
36 **in threatening to use physical force or deadly physical force if and to**  
37 **the extent a reasonable armed nuclear security guard believes it**  
38 **necessary to protect himself, herself, or others against another person's**  
39 **potential use of physical force or deadly physical force.**

40           **3. No armed nuclear security guard, employer of an armed**  
41 **nuclear security guard, or owner of a nuclear power plant shall be**  
42 **subject to civil liability for conduct of an armed nuclear security guard**  
43 **that is permitted by this section.**

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