

Senate Engrossed

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 54

# SENATE BILL 1214

AN ACT

AMENDING TITLE 13, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 45; RELATING TO COMMERCIAL NUCLEAR GENERATING STATION SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, Arizona Revised Statutes, is amended by adding  
3 chapter 45, to read:

4 CHAPTER 45

5 COMMERCIAL NUCLEAR GENERATING STATION SECURITY

6 13-4901. Definitions

7 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ARMED NUCLEAR SECURITY GUARD" MEANS A SECURITY GUARD WHO WORKS AT  
9 A COMMERCIAL NUCLEAR GENERATING STATION, WHO IS EMPLOYED AS PART OF THE  
10 SECURITY PLAN APPROVED BY THE NUCLEAR REGULATORY COMMISSION AND WHO MEETS  
11 THE REQUIREMENTS MANDATED BY THE NUCLEAR REGULATORY COMMISSION FOR CARRYING A  
12 FIREARM.

13 2. "COMMERCIAL NUCLEAR GENERATING STATION" MEANS AN ELECTRIC POWER  
14 GENERATING FACILITY THAT IS OWNED BY A PUBLIC SERVICE CORPORATION, A  
15 MUNICIPAL CORPORATION OR A CONSORTIUM OF PUBLIC SERVICE CORPORATIONS OR  
16 MUNICIPAL CORPORATIONS AND THAT PRODUCES ELECTRICITY BY MEANS OF A NUCLEAR  
17 REACTOR AND INCLUDES THE PROPERTY ON WHICH THE FACILITY IS LOCATED.

18 3. "ENTER" MEANS THE INTRUSION OF ANY PART OF ANY INSTRUMENT OR ANY  
19 PART OF A PERSON'S BODY INSIDE OF A COMMERCIAL NUCLEAR GENERATING STATION OR  
20 A STRUCTURE OR FENCED YARD OF A COMMERCIAL NUCLEAR GENERATING STATION.

21 4. "ENTERING OR REMAINING UNLAWFULLY" MEANS AN ACT BY A PERSON WHO  
22 ENTERS OR REMAINS IN OR ON A COMMERCIAL NUCLEAR GENERATING STATION OR A  
23 STRUCTURE OR FENCED YARD OF A COMMERCIAL NUCLEAR GENERATING STATION IF THAT  
24 PERSON'S INTENT FOR ENTERING OR REMAINING IS NOT LICENSED, AUTHORIZED OR  
25 OTHERWISE PRIVILEGED.

26 5. "STRUCTURE OR FENCED YARD" MEANS ANY STRUCTURE, FENCED YARD, WALL,  
27 BUILDING OR OTHER SIMILAR BARRIER OR ANY COMBINATION OF STRUCTURES, FENCED  
28 YARDS, WALLS, BUILDINGS OR OTHER BARRIERS THAT SURROUNDS A COMMERCIAL NUCLEAR  
29 GENERATING STATION AND THAT IS POSTED WITH SIGNAGE INDICATING IT IS A FELONY  
30 TO TRESPASS.

31 13-4902. Criminal trespass on commercial nuclear generating  
32 station; classification

33 A. A PERSON COMMITS CRIMINAL TRESPASS ON A COMMERCIAL NUCLEAR  
34 GENERATING STATION BY KNOWINGLY EITHER:

35 1. ENTERING OR REMAINING UNLAWFULLY IN OR ON A COMMERCIAL NUCLEAR  
36 GENERATING STATION.

37 2. ENTERING OR REMAINING UNLAWFULLY WITHIN A STRUCTURE OR FENCED YARD  
38 OF A COMMERCIAL NUCLEAR GENERATING STATION.

39 B. CRIMINAL TRESPASS ON A COMMERCIAL NUCLEAR GENERATING STATION IS A  
40 CLASS 4 FELONY.

41 13-4903. Use of force; armed nuclear security guards

42 A. AN ARMED NUCLEAR SECURITY GUARD IS JUSTIFIED IN USING PHYSICAL  
43 FORCE AGAINST ANOTHER PERSON AT A COMMERCIAL NUCLEAR GENERATING STATION OR  
44 STRUCTURE OR FENCED YARD OF A COMMERCIAL NUCLEAR GENERATING STATION IF THE  
45 ARMED NUCLEAR SECURITY GUARD REASONABLY BELIEVES THAT SUCH FORCE IS NECESSARY  
46 TO PREVENT OR TERMINATE THE COMMISSION OR ATTEMPTED COMMISSION OF CRIMINAL

1 DAMAGE UNDER SECTION 13-1602, SUBSECTION A, PARAGRAPH 3 AND SUBSECTION B,  
2 PARAGRAPH 1, MISCONDUCT INVOLVING WEAPONS UNDER SECTION 13-3102, SUBSECTION  
3 A, PARAGRAPH 13 OR CRIMINAL TRESPASS ON A COMMERCIAL NUCLEAR GENERATING  
4 STATION UNDER SECTION 13-4902.

5 B. NOTWITHSTANDING SECTIONS 13-403, 13-404, 13-405, 13-406, 13-408,  
6 13-409, 13-410 AND 13-411, AN ARMED NUCLEAR SECURITY GUARD IS JUSTIFIED IN  
7 USING PHYSICAL FORCE UP TO AND INCLUDING DEADLY PHYSICAL FORCE AGAINST  
8 ANOTHER PERSON AT A COMMERCIAL NUCLEAR GENERATING STATION OR STRUCTURE OR  
9 FENCED YARD OF A COMMERCIAL NUCLEAR GENERATING STATION IF THE ARMED NUCLEAR  
10 SECURITY GUARD REASONABLY BELIEVES THAT SUCH FORCE IS NECESSARY TO:

11 1. PREVENT THE COMMISSION OF MANSLAUGHTER UNDER SECTION 13-1103,  
12 SECOND OR FIRST DEGREE MURDER UNDER SECTION 13-1104 OR 13-1105, AGGRAVATED  
13 ASSAULT UNDER SECTION 13-1204, SUBSECTION A, PARAGRAPH 1 OR 2, KIDNAPPING  
14 UNDER SECTION 13-1304, BURGLARY IN THE SECOND OR FIRST DEGREE UNDER SECTION  
15 13-1507 OR 13-1508, ARSON OF A STRUCTURE OR PROPERTY UNDER SECTION 13-1703,  
16 ARSON OF AN OCCUPIED STRUCTURE UNDER SECTION 13-1704, ARMED ROBBERY UNDER  
17 SECTION 13-1904 OR AN ACT OF TERRORISM UNDER SECTION 13-2308.01.

18 2. DEFEND ONESELF OR A THIRD PERSON FROM THE USE OR IMMINENT USE OF  
19 DEADLY PHYSICAL FORCE.

20 C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, AN ARMED  
21 NUCLEAR SECURITY GUARD IS JUSTIFIED IN THREATENING TO USE PHYSICAL OR DEADLY  
22 PHYSICAL FORCE IF AND TO THE EXTENT A REASONABLE ARMED NUCLEAR SECURITY GUARD  
23 BELIEVES IT NECESSARY TO PROTECT ONESELF OR OTHERS AGAINST ANOTHER PERSON'S  
24 POTENTIAL USE OF PHYSICAL FORCE OR DEADLY PHYSICAL FORCE.

25 D. AN ARMED NUCLEAR SECURITY GUARD IS NOT SUBJECT TO CIVIL LIABILITY  
26 FOR ENGAGING IN CONDUCT THAT IS OTHERWISE JUSTIFIED PURSUANT TO THIS CHAPTER.

27 13-4904. Detention authority; armed nuclear security guards

28 A. AN ARMED NUCLEAR SECURITY GUARD, WITH REASONABLE BELIEF, MAY  
29 DETAIN IN OR ON A COMMERCIAL NUCLEAR GENERATING STATION OR A STRUCTURE OR  
30 FENCED YARD OF A COMMERCIAL NUCLEAR GENERATING STATION IN A REASONABLE MANNER  
31 AND FOR A REASONABLE TIME ANY PERSON WHO IS SUSPECTED OF OR ATTEMPTING TO  
32 COMMIT MANSLAUGHTER UNDER SECTION 13-1103, SECOND OR FIRST DEGREE MURDER  
33 UNDER SECTION 13-1104 OR 13-1105, AGGRAVATED ASSAULT UNDER SECTION 13-1204,  
34 SUBSECTION A, PARAGRAPH 1 OR 2, KIDNAPPING UNDER SECTION 13-1304, BURGLARY IN  
35 THE SECOND OR FIRST DEGREE UNDER SECTION 13-1507 OR 13-1508, CRIMINAL DAMAGE  
36 UNDER SECTION 13-1602, SUBSECTION A, PARAGRAPH 3 AND SUBSECTION B, PARAGRAPH  
37 1, ARSON OF A STRUCTURE OR PROPERTY UNDER SECTION 13-1703, ARSON OF AN  
38 OCCUPIED STRUCTURE UNDER SECTION 13-1704, ARMED ROBBERY UNDER SECTION  
39 13-1904, AN ACT OF TERRORISM UNDER SECTION 13-2308.01, MISCONDUCT INVOLVING  
40 WEAPONS UNDER SECTION 13-3102, SUBSECTION A, PARAGRAPH 13 OR CRIMINAL  
41 TRESPASS ON A COMMERCIAL NUCLEAR GENERATING STATION UNDER SECTION 13-4902 FOR  
42 THE PURPOSE OF SUMMONING A LAW ENFORCEMENT OFFICER.

43 B. REASONABLE BELIEF OF AN ARMED NUCLEAR SECURITY GUARD IS A DEFENSE  
44 TO A CIVIL OR CRIMINAL ACTION AGAINST AN ARMED NUCLEAR SECURITY GUARD FOR  
45 FALSE ARREST, FALSE OR UNLAWFUL IMPRISONMENT OR WRONGFUL DETENTION.

~~APPROVED BY THE GOVERNOR APRIL 11, 2005.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2005.~~

Passed the House April 4, 2005

by the following vote: 52 Ayes,

3 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 17, 2005

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2005

at 2:15 o'clock P. M.

Secretary to the Governor

Approved this 11 day of

April, 2005,

at 10<sup>10</sup> o'clock A. M.

Governor of Arizona

S.B. 1214

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2005

at 1:35 o'clock P. M.

Secretary of State