



**State of Tennessee**  
**PUBLIC CHAPTER NO. 627**

**HOUSE BILL NO. 2326**

**By Representatives Hawk, Hurley, Ragan, Keisling, Shipley**

**Substituted for: Senate Bill No. 2651**

**By Senators Yager, McNally, Watson**

AN ACT to amend Tennessee Code Annotated, Section 38-3-120 and Section 39-11-611, relative to nuclear security officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-611(a), is amended by adding the following as new, appropriately designated subdivisions thereto:

( ) "Category I nuclear facility" means a facility that possesses a formula quantity of strategic special nuclear material, as defined and licensed by the United States nuclear regulatory commission, and that must comply with the requirements of 10 CFR Part 73.

( ) "Deadly force" means the use of force intended or likely to cause death or serious bodily injury.

( ) "Nuclear security officer" means a person who meets the requirements of 10 CFR Part 73, Appendix B, who is an employee or an employee of a contractor of the owner of a category 1 nuclear facility, and who has been appointed or designated by the owner of a category I nuclear facility to provide security for the facility.

SECTION 2. Tennessee Code Annotated, Section 39-11-611, is amended by adding the following as a new subsection thereto:

(f) A nuclear security officer is authorized to use deadly force under the following circumstances:

(1) Deadly force appears reasonably necessary to prevent or impede an act, or attempted act, of radiological sabotage at a category I nuclear facility, including but not limited to situations where a person is attempting to, or has, unlawfully or forcefully entered a category I nuclear facility, and where adversary tactics are employed to attempt an act of radiological sabotage, such as, but not limited to:

(A) Use of firearms or small arms;

(B) Use of explosive devices;

(C) Use of incendiary devices;

(D) Use of vehicle borne improvised explosive devices;

(E) Use of water borne improvised explosive devices;

(F) Breaching of barriers; and

(G) Use of other adversary or terrorist tactics which could be employed to attempt an act of radiological sabotage.

(2) Deadly force appears reasonably necessary to protect the nuclear security officer or another person if the nuclear security officer reasonably believes there is an imminent danger of death or serious bodily injury;

(3) Deadly force appears reasonably necessary to prevent the imminent infliction or threatened infliction of death or serious bodily harm or the sabotage of an occupied facility by explosives;

(4) Deadly force appears reasonably necessary to prevent the theft, sabotage, or unauthorized control of a nuclear weapon or nuclear explosive device or special nuclear material from a category I nuclear facility; or

(5) Deadly force reasonably appears to be necessary to apprehend or prevent the escape of a person reasonably believed to:

(A) Have committed an offense of the nature specified under this subdivision (f)(1); or

(B) Be escaping by use of a weapon or explosive or who otherwise poses an imminent danger of death or serious bodily harm to nuclear security officers or others unless apprehended without delay.

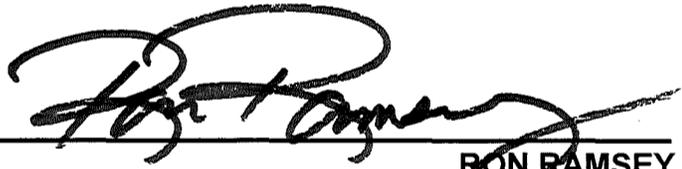
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: MARCH 8, 2012

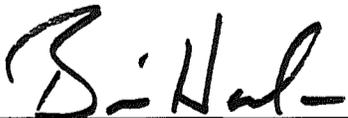


BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 23<sup>rd</sup> day of March 2012



BILL HASLAM, GOVERNOR