## 1 HOUSE OF REPRESENTATIVES - FLOOR VERSION 2 STATE OF OKLAHOMA 3 1st Session of the 56th Legislature (2017) 4 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1123 5 By: Biggs 6 7 COMMITTEE SUBSTITUTE 8 An Act relating to crimes and punishments; making 9 certain acts unlawful; providing penalties; defining term; providing for codification; and providing an 10 effective date. 11 12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 1.3 SECTION 1. NEW LAW A new section of law to be codified 14 in the Oklahoma Statutes as Section 1792 of Title 21, unless there 15 is created a duplication in numbering, reads as follows: 16 Any person who shall willfully trespass or enter property 17 containing a critical infrastructure facility without permission by 18 the owner of the property or lawful occupant thereof shall, upon 19 conviction, be quilty of a misdemeanor punishable by a fine of not 20 less than One Thousand Dollars (\$1,000.00), or by imprisonment in 21 the county jail for a term of six (6) months, or by both such fine 22 and imprisonment. If it is determined the intent of the trespasser 23 is to willfully damage, destroy, vandalize, deface, tamper with

equipment, or impede or inhibit operations of the facility, the

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- person shall, upon conviction, be guilty of a felony punishable by a

  fine of not less than Ten Thousand Dollars (\$10,000,00), or by

  imprisonment in the custody of the Department of Corrections for a

  term of one (1) year, or by both such fine and imprisonment.
  - B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a felony punishable by a fine of One Hundred Thousand Dollars (\$100,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment.
  - C. If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision of this section.
  - D. As used in this section, "critical infrastructure facility" means:
- 1. One of the following, if completely enclosed by a fence or

  20 other physical barrier that is obviously designed to exclude

  21 intruders, or if clearly marked with a sign or signs that are posted

  22 on the property that are reasonably likely to come to the attention

  23 of intruders and indicate that entry is forbidden without site

  24 authorization:

1	a.	a petroleum or alumina refinery,
2	b.	an electrical power generating facility, substation,
3		switching station, electrical control center or
4		electric power lines and associated equipment
5		infrastructure,
6	С.	a chemical, polymer or rubber manufacturing facility,
7	d.	a water intake structure, water treatment facility,
8		wastewater treatment plant or pump station,
9	е.	a natural gas compressor station,
10	f.	a liquid natural gas terminal or storage facility,
11	g.	a telecommunications central switching office,
12	h.	wireless telecommunications infrastructure, including
13		cell towers, telephone poles and lines, including
14		fiber optic lines,
15	i.	a port, railroad switching yard, railroad tracks,
16		trucking terminal or other freight transportation
17		facility,
18	j.	a gas processing plant, including a plant used in the
19		processing, treatment or fractionation of natural gas
20		or natural gas liquids,
21	k.	a transmission facility used by a federally licensed
22		radio or television station,
23	1.	a steelmaking facility that uses an electric arc
24		furnace to make steel,

m.	a facility identified and regulated by the United
	States Department of Homeland Security Chemical
	Facility Anti-Terrorism Standards (CFATS) program,

- n. a dam that is regulated by the state or federal government,
- o. a natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or
- p. a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; or
- 2. Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.
  - SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND CORRECTIONS, dated 02/22/2017 - DO PASS, As Amended.

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