

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2461

By: Hill

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9                                   COMMITTEE SUBSTITUTE

10           An Act relating to state property; creating the  
11           Oklahoma Capitol Critical Infrastructure Act;  
12           amending 3 O.S. 2021, Section 322, which relates to  
13           critical infrastructure facilities; modifying  
14           definition; amending 21 O.S. 2021, Section 1792,  
15           which relates to critical infrastructure facilities;  
16           modifying definition; amending 74 O.S. 2021, Section  
17           1811.4C, which relates to the State Capitol Complex  
18           and State Capitol Park; modifying reference to the  
19           Oklahoma Administrative Code; providing for  
20           noncodification; and declaring an emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22           SECTION 1.           NEW LAW           A new section of law not to be  
23           codified in the Oklahoma Statutes reads as follows:

24           This act shall be known and may be cited as the "Oklahoma  
          Capitol Critical Infrastructure Act".

1 SECTION 2. AMENDATORY 3 O.S. 2021, Section 322, is  
2 amended to read as follows:

3 Section 322. A. As used in this section:

4 1. "Critical infrastructure facility" means:

5 a. one of the following, if completely enclosed by a  
6 fence or other physical barrier that is obviously  
7 designed to exclude intruders, or if clearly marked  
8 with a sign or signs that are posted on the property,  
9 that are reasonably likely to come to the attention of  
10 intruders, and indicate that entry is forbidden or  
11 flight of unmanned aircraft without site authorization  
12 is forbidden:

13 (1) a petroleum or alumina refinery,

14 (2) an electrical power generating facility,  
15 substation, switching station or electrical  
16 control center,

17 (3) a chemical, polymer or rubber manufacturing  
18 facility,

19 (4) a water intake structure, water treatment  
20 facility, wastewater treatment plant or pump  
21 station,

22 (5) a natural gas compressor station,

23 (6) a liquid natural gas terminal or storage  
24 facility,

- 1 (7) a telecommunications central switching office,  
2 (8) wireless telecommunications infrastructure,  
3 including cell towers,  
4 (9) a port, railroad switching yard, trucking  
5 terminal or other freight transportation  
6 facility,  
7 (10) a gas processing plant, including a plant used in  
8 the processing, treatment or fractionation of  
9 natural gas or natural gas liquids,  
10 (11) a transmission facility used by a federally  
11 licensed radio or television station,  
12 (12) a steelmaking facility that uses an electric arc  
13 furnace to make steel,  
14 (13) a facility identified and regulated by the United  
15 States Department of Homeland Security Chemical  
16 Facility Anti-Terrorism Standards (CFATS)  
17 program,  
18 (14) a dam that is regulated by the state or federal  
19 government, or  
20 (15) a natural gas distribution utility facility,  
21 including, but not limited to, pipeline  
22 interconnections, a city gate or town border  
23 station, metering station, aboveground piping, a  
24

1 regulator station and a natural gas storage  
2 facility, ~~or~~

3 b. any aboveground portion of an oil, gas, hazardous  
4 liquid or chemical pipeline that is enclosed by a  
5 fence or other physical barrier that is obviously  
6 designed to exclude intruders, or

7 c. the State Capitol Park;

8 2. "Dam" means any barrier, including any appurtenant  
9 structures, that is constructed for the purpose of permanently or  
10 temporarily impounding water; and

11 3. "Unmanned aircraft" means an aircraft without occupants that  
12 is flown by a pilot via a ground control system or autonomously  
13 through use of an onboard computer and other additional equipment  
14 necessary to operate the aircraft and includes unmanned aircraft  
15 commonly called drones.

16 B. Except as provided in subsection C of this section, a person  
17 shall not intentionally or knowingly:

18 1. Operate an unmanned aircraft over a critical infrastructure  
19 facility if the unmanned aircraft is less than four hundred (400)  
20 feet above ground level;

21 2. Allow an unmanned aircraft to make contact with a critical  
22 infrastructure facility, including any person or object on the  
23 premises of or within the facility; or

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1           3. Allow an unmanned aircraft to come within a distance of a  
2 critical infrastructure facility that is close enough to interfere  
3 with the operations of or cause a disturbance to the facility.

4           C. This section shall not apply to conduct committed by:

5           1. The federal government, the state or a political subdivision  
6 of the state;

7           2. A person under contract with or otherwise acting under the  
8 direction or on behalf of the federal government, the state or a  
9 political subdivision of the state;

10          3. A law enforcement agency;

11          4. A person under contract with or otherwise acting under the  
12 direction or on behalf of a law enforcement agency;

13          5. ~~An~~ The owner or operator of the critical infrastructure  
14 facility;

15          6. A person under contract with or otherwise acting under the  
16 direction or on behalf of an owner or operator of the critical  
17 infrastructure facility;

18          7. A person who has the prior written consent of the owner or  
19 operator of the critical infrastructure facility;

20          8. The owner or occupant of the property on which the critical  
21 infrastructure facility is located or a person who has the prior  
22 written consent of the owner or occupant of that property; or  
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1           9. An operator of an unmanned aircraft that is being used for a  
2 commercial purpose, if the operator is authorized by the Federal  
3 Aviation Administration to conduct operations over that airspace.

4           D. Any person in violation of this section may be civilly  
5 liable for damages to the critical infrastructure facility to  
6 include, but not be limited to, damage to property, the environment  
7 or human health.

8           SECTION 3.        AMENDATORY        21 O.S. 2021, Section 1792, is  
9 amended to read as follows:

10          Section 1792. A. Any person who shall willfully trespass or  
11 enter property containing a critical infrastructure facility without  
12 permission by the owner of the property or lawful occupant thereof  
13 shall, upon conviction, be guilty of a misdemeanor punishable by a  
14 fine of not less than One Thousand Dollars (\$1,000.00), or by  
15 imprisonment in the county jail for a term of six (6) months, or by  
16 both such fine and imprisonment. If it is determined the intent of  
17 the trespasser is to willfully damage, destroy, vandalize, deface,  
18 tamper with equipment, or impede or inhibit operations of the  
19 facility, the person shall, upon conviction, be guilty of a felony  
20 punishable by a fine of not less than Ten Thousand Dollars  
21 (\$10,000.00), or by imprisonment in the custody of the Department of  
22 Corrections for a term of one (1) year, or by both such fine and  
23 imprisonment.

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1 B. Any person who shall willfully damage, destroy, vandalize,  
2 deface or tamper with equipment in a critical infrastructure  
3 facility shall, upon conviction, be guilty of a felony punishable by  
4 a fine of One Hundred Thousand Dollars (\$100,000.00), or by  
5 imprisonment in the custody of the Department of Corrections for a  
6 term of not more than ten (10) years, or by both such fine and  
7 imprisonment.

8 C. If an organization is found to be a conspirator with persons  
9 who are found to have committed any of the crimes described in  
10 subsection A or B of this section, the conspiring organization shall  
11 be punished by a fine that is ten times the amount of said fine  
12 authorized by the appropriate provision of this section.

13 D. As used in this section, "critical infrastructure facility"  
14 means:

15 1. One of the following, if completely enclosed by a fence or  
16 other physical barrier that is obviously designed to exclude  
17 intruders, or if clearly marked with a sign or signs that are posted  
18 on the property that are reasonably likely to come to the attention  
19 of intruders and indicate that entry is forbidden without site  
20 authorization:

- 21 a. a petroleum or alumina refinery,
- 22 b. an electrical power generating facility, substation,  
23 switching station, electrical control center or

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- 1 electric power lines and associated equipment  
2 infrastructure,
- 3 c. a chemical, polymer or rubber manufacturing facility,  
4 d. a water intake structure, water treatment facility,  
5 wastewater treatment plant or pump station,  
6 e. a natural gas compressor station,  
7 f. a liquid natural gas terminal or storage facility,  
8 g. a telecommunications central switching office,  
9 h. wireless telecommunications infrastructure, including  
10 cell towers, telephone poles and lines, including  
11 fiber optic lines,  
12 i. a port, railroad switching yard, railroad tracks,  
13 trucking terminal or other freight transportation  
14 facility,  
15 j. a gas processing plant, including a plant used in the  
16 processing, treatment or fractionation of natural gas  
17 or natural gas liquids,  
18 k. a transmission facility used by a federally licensed  
19 radio or television station,  
20 l. a steelmaking facility that uses an electric arc  
21 furnace to make steel,  
22 m. a facility identified and regulated by the United  
23 States Department of Homeland Security Chemical  
24 Facility Anti-Terrorism Standards (CFATS) program,

- 1 n. a dam that is regulated by the state or federal  
2 government,  
3 o. a natural gas distribution utility facility including,  
4 but not limited to, pipeline interconnections, a city  
5 gate or town border station, metering station,  
6 aboveground piping, a regulator station and a natural  
7 gas storage facility, or  
8 p. a crude oil or refined products storage and  
9 distribution facility including, but not limited to,  
10 valve sites, pipeline interconnections, pump station,  
11 metering station, below or aboveground pipeline or  
12 piping and truck loading or offloading facility; ~~or~~

13 2. Any aboveground portion of an oil, gas, hazardous liquid or  
14 chemical pipeline, tank, railroad facility or other storage facility  
15 that is enclosed by a fence, other physical barrier or is clearly  
16 marked with signs prohibiting trespassing, that are obviously  
17 designed to exclude intruders; or

18 3. Property within the State Capitol Park owned, leased, or  
19 occupied by the State of Oklahoma or by an agency, board,  
20 commission, department, or other entity of the government of the  
21 State of Oklahoma.

22 SECTION 4. AMENDATORY 74 O.S. 2021, Section 1811.4C, is  
23 amended to read as follows:  
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1 Section 1811.4C A. The provisions of Title 47 of the Oklahoma  
2 Statutes shall be applicable to all streets and highways within the  
3 State Capitol Park in Oklahoma City and the State Capitol Complex in  
4 Tulsa. The Department of Public Safety shall be the primary law  
5 enforcement agency within the State Capitol Park and within the  
6 State Capitol Complex, upon its establishment, and shall enforce and  
7 supervise the enforcement of all parking, traffic and criminal laws  
8 therein.

9 B. The rules for the "Use of ~~the~~ Public Areas of ~~the~~ Capitol  
10 and Plazas" and for the "Use of ~~the~~ State Capitol Park", as  
11 promulgated by the Office of Management and Enterprise Services and  
12 set out in Subchapters ~~5~~ 3 and ~~7~~ 5 of Chapter ~~10~~ 60 of Title ~~580~~ 260  
13 of the Oklahoma Administrative Code, are applicable to the State  
14 Capitol Park and State Capitol Complex. The Department of Public  
15 Safety shall have the exclusive authority to enforce these rules. A  
16 violation of a rule shall be a misdemeanor and, upon conviction,  
17 shall be punishable by imprisonment in the county jail not exceeding  
18 one (1) year, or by a fine not exceeding Five Hundred Dollars  
19 (\$500.00), or by both such fine and imprisonment.

20 C. This section shall not be construed to divest the Cities of  
21 Oklahoma City or Tulsa of jurisdiction relating to the enforcement  
22 of any law or ordinance within said parks except the enforcement of  
23 laws regarding vehicle parking which shall be vested exclusively in  
24 the Department of Public Safety.

1       SECTION 5. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
7 02/22/2023 - DO PASS, As Amended.

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