

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2536

 By: Humphrey

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2021, Section 1792, which relates to
10 trespass; providing for criminal liability for
 loitering; providing certain definition; modifying
 definition; and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1792, is
15 amended to read as follows:

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

1 inhibit operations of the facility, the person shall, upon
2 conviction, be guilty of a felony punishable by a fine of not less
3 than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the
4 custody of the Department of Corrections for a term of one (1) year,
5 or by both such fine and imprisonment.

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

13 C. If an organization is found to be a conspirator with persons
14 who are found to have committed any of the crimes described in
15 subsection A or B of this section, the conspiring organization shall
16 be punished by a fine that is ten times the amount of ~~said~~ the fine
17 authorized by the appropriate provision of this section.

18 D. As used in this section, "loiter" means standing or waiting
19 around idly or without apparent or rational purpose.

20 ~~D.~~ E. As used in this section, "critical infrastructure
21 facility" means:

22 1. One of the following, if completely enclosed by a fence or
23 other physical barrier that is obviously designed to exclude
24 intruders, or if clearly marked with a sign or signs that are posted

1 on the property that are reasonably likely to come to the attention
2 of intruders and indicate that entry is forbidden without site
3 authorization:

- 4 a. a petroleum or alumina refinery,
- 5 b. an electrical power generating facility, substation,
6 switching station, electrical control center or
7 electric power lines and associated equipment
8 infrastructure,
- 9 c. a chemical, polymer or rubber manufacturing facility,
- 10 d. a water intake structure, water treatment facility,
11 wastewater treatment plant or pump station,
- 12 e. a natural gas compressor station,
- 13 f. a liquid natural gas terminal or storage facility,
- 14 g. a telecommunications central switching office,
- 15 h. wireless telecommunications infrastructure, including
16 cell towers, telephone poles and lines, including
17 fiber optic lines,
- 18 i. a port, railroad switching yard, railroad tracks,
19 trucking terminal or other freight transportation
20 facility,
- 21 j. a gas processing plant, including a plant used in the
22 processing, treatment or fractionation of natural gas
23 or natural gas liquids,

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- 1 k. a transmission facility used by a federally licensed
2 radio or television station,
- 3 l. a steelmaking facility that uses an electric arc
4 furnace to make steel,
- 5 m. a facility identified and regulated by the United
6 States Department of Homeland Security Chemical
7 Facility Anti-Terrorism Standards (CFATS) program,
- 8 n. a dam that is regulated by the state or federal
9 government,
- 10 o. a natural gas distribution utility facility including,
11 but not limited to, pipeline interconnections, a city
12 gate or town border station, metering station,
13 aboveground piping, a regulator station and a natural
14 gas storage facility, or
- 15 p. a crude oil or refined products storage and
16 distribution facility including, but not limited to,
17 valve sites, pipeline interconnections, pump station,
18 metering station, below or aboveground pipeline or
19 piping and truck loading or offloading facility; ~~or~~

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

1 3. Any county-owned property including, but not limited to,
2 courthouses and detention centers.

3 SECTION 2. This act shall become effective November 1, 2023.

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
6 02/22/2023 - DO PASS.

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