

HOUSE BILL No. 2061

By Committee on Judiciary

Requested by Fred Patton on behalf of Charter Communications Operating, LLC

1-22

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the crimes of trespassing on a critical infrastructure facility and
3 criminal damage to a critical infrastructure facility; defining a critical
4 infrastructure facility used for telecommunications or video services to
5 include aboveground and belowground lines, cables and wires;
6 amending K.S.A. 21-5818 and repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 21-5818 is hereby amended to read as follows: 21-
10 5818. (a) Trespassing on a critical infrastructure facility is, without consent
11 of the owner or the owner's agent, knowingly entering or remaining in:

12 (1) A critical infrastructure facility; or
13 (2) any property containing a critical infrastructure facility, if such
14 property is completely enclosed by a fence or other physical barrier that is
15 obviously designed to exclude intruders or is clearly marked with a sign or
16 signs that are posted on the property that are reasonably likely to come to
17 the attention of intruders and indicate that entry is forbidden without site
18 authorization.

19 (b) Aggravated trespassing on a critical infrastructure facility is:

20 (1) Knowingly entering or remaining in:
21 (A) A critical infrastructure facility; or
22 (B) any property containing a critical infrastructure facility, if such
23 property is completely enclosed by a fence or other physical barrier that is
24 obviously designed to exclude intruders or is clearly marked with a sign or
25 signs that are posted on the property that are reasonably likely to come to
26 the attention of intruders and indicate that entry is forbidden without site
27 authorization; and

28 (2) with the intent to damage, destroy or tamper with a critical
29 infrastructure facility or impede or inhibit operations of the facility.

30 (c) Criminal damage to a critical infrastructure facility is knowingly
31 damaging, destroying or tampering with a critical infrastructure facility.

32 (d) Aggravated criminal damage to a critical infrastructure facility is
33 knowingly damaging, destroying or tampering with a critical infrastructure
34 facility with the intent to impede or inhibit operations of the facility.

35 (e) (1) Trespassing on a critical infrastructure facility is a class A

1 nonperson misdemeanor.

2 (2) Aggravated trespassing on a critical infrastructure facility is a
3 severity level 7, nonperson felony.

4 (3) Criminal damage to a critical infrastructure facility is a severity
5 level 6, nonperson felony.

6 (4) Aggravated criminal damage to a critical infrastructure facility is
7 a severity level 5, nonperson felony.

8 (f) Nothing in this section shall be construed to prevent:

9 (1) An owner or operator of a critical infrastructure facility that has
10 been damaged from pursuing any other remedy in law or equity; or

11 (2) a person who violates the provisions of this section from being
12 prosecuted for, convicted of and punished for any other offense in article
13 58 of chapter 21 of the Kansas Statutes Annotated, and amendments
14 thereto, or K.S.A. 66-2303, and amendments thereto.

15 (g) As used in this section, "critical infrastructure facility" means any:

16 (1) Petroleum or alumina refinery;

17 (2) electric generation facility, substation, switching station, electrical
18 control center, electric distribution or transmission lines, or associated
19 equipment infrastructure;

20 (3) chemical, polymer or rubber manufacturing facility;

21 (4) water supply diversion, production, treatment, storage or
22 distribution facility and appurtenances, including, but not limited to,
23 underground pipelines and a wastewater treatment plant or pump station;

24 (5) natural gas compressor station;

25 (6) liquid natural gas or propane terminal or storage facility;

26 (7) facility that is used for wireline, broadband or wireless
27 telecommunications or video services infrastructure *whether such facility*
28 *is located within or outside of any public or highway right-of-way,*
29 *including, but not limited to:*

30 (A) *Aboveground and belowground lines, cable or wires;*

31 (B) backup power supplies; and

32 (C) cable television headend;

33 (8) port, railroad switching yard, railroad tracks, trucking terminal or
34 other freight transportation facility;

35 (9) gas processing plant, including a plant used in the processing,
36 treatment or fractionation of natural gas, propane or natural gas liquids;

37 (10) transmission facility used by a federally licensed radio or
38 television station;

39 (11) steelmaking facility that uses an electric arc furnace to make
40 steel;

41 (12) facility identified and regulated by the United States department
42 of homeland security chemical facility anti-terrorism standards program, a
43 facility operated by the office of laboratory services under the supervision

1 of the secretary of health and environment pursuant to K.S.A. 75-5608,
2 and amendments thereto, the national bio and agro-defense facility or the
3 biosecurity research institute at Kansas state university;

4 (13) dam that is regulated by the state as a hazard class B or C dam or
5 by the federal government;

6 (14) natural gas distribution utility facility or natural gas transmission
7 facility, including, but not limited to, pipeline interconnections, a city gate
8 or town border station, metering station, belowground or aboveground
9 piping, a regular station or a natural gas storage facility;

10 (15) crude oil, including y-grade or natural gas liquids, or refined
11 products storage and distribution facility, including, but not limited to,
12 valve sites, pipeline interconnections, pump station, metering station,
13 belowground or aboveground pipeline or piping and truck loading or
14 offloading facility; or

15 (16) portion of any belowground or aboveground oil, gas, hazardous
16 liquid or chemical pipeline, tank, railroad facility or any other storage
17 facility that is enclosed by a fence or other physical barrier or is clearly
18 marked with signs prohibiting trespassing, that are obviously designed to
19 exclude intruders.

20 Sec. 2. K.S.A. 21-5818 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.