

1 **SENATE FLOOR VERSION**

2 April 12, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1123

6 By: Biggs of the House

7 and

8 Marlatt of the Senate

9 **[crimes and punishments - penalties - codification -**
10 **emergency]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 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 A. 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 guilty 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
24 equipment, or impede or inhibit operations of the facility, the

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

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

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

17 D. As used in this section, "critical infrastructure facility"
18 means:

19 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 c. a chemical, polymer or rubber manufacturing facility,
- 7 d. a water intake structure, water treatment facility,
- 8 wastewater treatment plant or pump station,
- 9 e. 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 l. a steelmaking facility that uses an electric arc
- 24 furnace to make steel,

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

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

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

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 April 12, 2017 - DO PASS AS AMENDED
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