

1 ENGROSSED HOUSE
2 BILL NO. 1123

By: Biggs of the House

3 and

4 Marlatt of the Senate

5
6 An Act relating to crimes and punishments; making
7 certain acts unlawful; providing penalties; defining
8 term; providing for codification; and declaring an
9 emergency.

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1792 of Title 21, unless there
13 is created a duplication in numbering, reads as follows:

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

1 imprisonment in the custody of the Department of Corrections for a
2 term of one (1) year, or by both such fine and imprisonment.

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

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

15 D. As used in this section, "critical infrastructure facility"
16 means:

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

23 a. a petroleum or alumina refinery,
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- b. an electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,
- c. a chemical, polymer or rubber manufacturing facility,
- d. a water intake structure, water treatment facility, wastewater treatment plant or pump station,
- e. a natural gas compressor station,
- f. a liquid natural gas terminal or storage facility,
- g. a telecommunications central switching office,
- h. wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines,
- i. a port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,
- j. a gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,
- k. a transmission facility used by a federally licensed radio or television station,
- l. a steelmaking facility that uses an electric arc 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. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

1 Passed the House of Representatives the 28th day of February,
2 2017.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2017.

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8 Presiding Officer of the Senate