

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1123

By: Biggs

7  
8                               COMMITTEE SUBSTITUTE

9                   An Act relating to crimes and punishments; making  
10 certain acts unlawful; providing penalties; defining  
11 term; providing for codification; and providing an  
12 effective date.

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

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

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

- a. a petroleum or alumina refinery,
- 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,

- 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. This act shall become effective November 1, 2017.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND  
24 CORRECTIONS, dated 02/22/2017 - DO PASS, As Amended.