BILL SUMMARY
1st Session of the 56th Legislature

Bill No.:	**HB 1123**
Version:	**PCS 2**
Request Number:	**6986**
Author:	**Rep. Biggs**
Date:	**2/21/2017**
Impact:	**Creates new felonies and a misdemeanor**

Research Analysis

The 2nd committee substitute to HB 1123 creates new law relating to the crime of trespassing on property containing a critical infrastructure facility without permission. The penalty is a misdemeanor punishable by up to 6 months imprisonment, a fine of not less than $1,000 or both. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the punishment rises to a felony punishable by up 1 year imprisonment, a fine of not less than $10,000 or both. If a trespasser willfully damages, destroys, vandalizes, defaces or tampers with equipment in a critical infrastructure facility, the crime is a felony, punishable by imprisonment of not more than 10 years, a fine of $100,000 or both. If an organization is found to be a conspirator with persons who are found to have committed any of the trespassing crimes described, the conspiring organization is to be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision of this section. The measure defines critical infrastructure facility.

Prepared By: Brad Wolgamott

Fiscal Analysis

The PCS 2 on HB 1123 creates two new felonies and a misdemeanor as well as related fines:

Crime	Level of Charge	Penalty
Any person who willfully trespasses or enters property containing a critical infrastructure facility without permission	Misdemeanor	Fine of not less than $1,000 and/or imprisonment in county jail for a term of 6 months.
If trespasser intended to damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility	Felony	Fine of not less than $10,000 and/or imprisonment in the custody of DOC for not more than 10 years.
If trespasser damages, destroys, vandalizes, defaces or tampers with equipment in a critical infrastructure facility	Felony	Fine of not less than $100,000 and/or in the custody of DOC for not more than 10 years.

The amount of revenue generated from the new fines is contingent upon the amount of offenders convicted of the crime and the amount of the fine decided upon.

Incarceration rates have the possibility of increasing for DOC depending on the number of convictions and of those, how many are incarcerated. The average daily cost of incarcerating an individual for DOC is $52.24.

Prepared By: Kristina King

Other Considerations

None.

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