

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4191

By: Echols

AS INTRODUCED

An Act relating to crimes and punishments; amending
21 O.S. 2021, Section 1792, which relates to
penalties for trespassing on critical infrastructure
facilities; expanding scope of certain definition;
and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1792, is
amended to read as follows:

Section 1792. A. Any person who shall willfully trespass ~~or~~,
enter or loiter upon property containing a critical infrastructure
facility without permission by the owner of the property or lawful
occupant thereof shall, upon conviction, be guilty of a misdemeanor
punishable by a fine of not less than One Thousand Dollars
(\$1,000.00), or by imprisonment in the county jail for a term of six
(6) months, or by both such fine and imprisonment. 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 person shall, upon

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

- 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;

3. Any county-owned property including, but not limited to, courthouses and detention centers; or

4. Any publicly owned property whose purpose is to provide for the health and wellness of the community.

SECTION 2. This act shall become effective November 1, 2022.

58-2-8514 GRS 11/10/21