

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2461

By: Hill

COMMITTEE SUBSTITUTE

An Act relating to state property; creating the Oklahoma Capitol Critical Infrastructure Act; amending 3 O.S. 2021, Section 322, which relates to critical infrastructure facilities; modifying definition; amending 21 O.S. 2021, Section 1792, which relates to critical infrastructure facilities; modifying definition; amending 74 O.S. 2021, Section 1811.4C, which relates to the State Capitol Complex and State Capitol Park; modifying reference to the Oklahoma Administrative Code; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Capitol Critical Infrastructure Act".

SECTION 2. AMENDATORY 3 O.S. 2021, Section 322, is amended to read as follows:

Section 322. A. As used in this section:

1. "Critical infrastructure facility" means:

1 a. one of the following, if completely enclosed by a
2 fence or other physical barrier that is obviously
3 designed to exclude intruders, or if clearly marked
4 with a sign or signs that are posted on the property,
5 that are reasonably likely to come to the attention of
6 intruders, and indicate that entry is forbidden or
7 flight of unmanned aircraft without site authorization
8 is forbidden:

- 9 (1) a petroleum or alumina refinery,
10 (2) an electrical power generating facility,
11 substation, switching station or electrical
12 control center,
13 (3) a chemical, polymer or rubber manufacturing
14 facility,
15 (4) a water intake structure, water treatment
16 facility, wastewater treatment plant or pump
17 station,
18 (5) a natural gas compressor station,
19 (6) a liquid natural gas terminal or storage
20 facility,
21 (7) a telecommunications central switching office,
22 (8) wireless telecommunications infrastructure,
23 including cell towers,

- 1 (9) a port, railroad switching yard, trucking
2 terminal or other freight transportation
3 facility,
4 (10) a gas processing plant, including a plant used in
5 the processing, treatment or fractionation of
6 natural gas or natural gas liquids,
7 (11) a transmission facility used by a federally
8 licensed radio or television station,
9 (12) a steelmaking facility that uses an electric arc
10 furnace to make steel,
11 (13) a facility identified and regulated by the United
12 States Department of Homeland Security Chemical
13 Facility Anti-Terrorism Standards (CFATS)
14 program,
15 (14) a dam that is regulated by the state or federal
16 government, or
17 (15) a natural gas distribution utility facility,
18 including, but not limited to, pipeline
19 interconnections, a city gate or town border
20 station, metering station, aboveground piping, a
21 regulator station and a natural gas storage
22 facility, ~~or~~

- 23 b. any aboveground portion of an oil, gas, hazardous
24 liquid or chemical pipeline that is enclosed by a

fence or other physical barrier that is obviously
designed to exclude intruders, or

c. the State Capitol Park;

2. "Dam" means any barrier, including any appurtenant
structures, that is constructed for the purpose of permanently or
temporarily impounding water; and

3. "Unmanned aircraft" means an aircraft without occupants that
is flown by a pilot via a ground control system or autonomously
through use of an onboard computer and other additional equipment
necessary to operate the aircraft and includes unmanned aircraft
commonly called drones.

B. Except as provided in subsection C of this section, a person
shall not intentionally or knowingly:

1. Operate an unmanned aircraft over a critical infrastructure
facility if the unmanned aircraft is less than four hundred (400)
feet above ground level;

2. Allow an unmanned aircraft to make contact with a critical
infrastructure facility, including any person or object on the
premises of or within the facility; or

3. Allow an unmanned aircraft to come within a distance of a
critical infrastructure facility that is close enough to interfere
with the operations of or cause a disturbance to the facility.

C. This section shall not apply to conduct committed by:

- 1 1. The federal government, the state or a political subdivision
2 of the state;
- 3 2. A person under contract with or otherwise acting under the
4 direction or on behalf of the federal government, the state or a
5 political subdivision of the state;
- 6 3. A law enforcement agency;
- 7 4. A person under contract with or otherwise acting under the
8 direction or on behalf of a law enforcement agency;
- 9 5. ~~An~~ The owner or operator of the critical infrastructure
10 facility;
- 11 6. A person under contract with or otherwise acting under the
12 direction or on behalf of an owner or operator of the critical
13 infrastructure facility;
- 14 7. A person who has the prior written consent of the owner or
15 operator of the critical infrastructure facility;
- 16 8. The owner or occupant of the property on which the critical
17 infrastructure facility is located or a person who has the prior
18 written consent of the owner or occupant of that property; or
- 19 9. An operator of an unmanned aircraft that is being used for a
20 commercial purpose, if the operator is authorized by the Federal
21 Aviation Administration to conduct operations over that airspace.
- 22 D. Any person in violation of this section may be civilly
23 liable for damages to the critical infrastructure facility to
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1 include, but not be limited to, damage to property, the environment
2 or human health.

3 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1792, is
4 amended to read as follows:

5 Section 1792. A. Any person who shall willfully trespass or
6 enter property containing a critical infrastructure facility without
7 permission by the owner of the property or lawful occupant thereof
8 shall, upon conviction, be guilty of a misdemeanor punishable by a
9 fine of not less than One Thousand Dollars (\$1,000.00), or by
10 imprisonment in the county jail for a term of six (6) months, or by
11 both such fine and imprisonment. If it is determined the intent of
12 the trespasser is to willfully damage, destroy, vandalize, deface,
13 tamper with equipment, or impede or inhibit operations of the
14 facility, the person shall, upon conviction, be guilty of a felony
15 punishable by a fine of not less than Ten Thousand Dollars
16 (\$10,000.00), or by imprisonment in the custody of the Department of
17 Corrections for a term of one (1) year, or by both such fine and
18 imprisonment.

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

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

8 D. As used in this section, "critical infrastructure facility"
9 means:

10 1. One of the following, if completely enclosed by a fence or
11 other physical barrier that is obviously designed to exclude
12 intruders, or if clearly marked with a sign or signs that are posted
13 on the property that are reasonably likely to come to the attention
14 of intruders and indicate that entry is forbidden without site
15 authorization:

- 16 a. a petroleum or alumina refinery,
- 17 b. an electrical power generating facility, substation,
18 switching station, electrical control center or
19 electric power lines and associated equipment
20 infrastructure,
- 21 c. a chemical, polymer or rubber manufacturing facility,
- 22 d. a water intake structure, water treatment facility,
23 wastewater treatment plant or pump station,
- 24 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,

1 aboveground piping, a regulator station and a natural
2 gas storage facility, or
3 p. a crude oil or refined products storage and
4 distribution facility including, but not limited to,
5 valve sites, pipeline interconnections, pump station,
6 metering station, below or aboveground pipeline or
7 piping and truck loading or offloading facility; ~~or~~

8 2. Any aboveground portion of an oil, gas, hazardous liquid or
9 chemical pipeline, tank, railroad facility or other storage facility
10 that is enclosed by a fence, other physical barrier or is clearly
11 marked with signs prohibiting trespassing, that are obviously
12 designed to exclude intruders; or

13 3. Property within the State Capitol Park owned, leased, or
14 occupied by the State of Oklahoma or by an agency, board,
15 commission, department, or other entity of the government of the
16 State of Oklahoma.

17 SECTION 4. AMENDATORY 74 O.S. 2021, Section 1811.4C, is
18 amended to read as follows:

19 Section 1811.4C A. The provisions of Title 47 of the Oklahoma
20 Statutes shall be applicable to all streets and highways within the
21 State Capitol Park in Oklahoma City and the State Capitol Complex in
22 Tulsa. The Department of Public Safety shall be the primary law
23 enforcement agency within the State Capitol Park and within the
24 State Capitol Complex, upon its establishment, and shall enforce and

1 supervise the enforcement of all parking, traffic and criminal laws
2 therein.

3 B. The rules for the "Use of ~~the~~ Public Areas of ~~the~~ Capitol
4 and Plazas" and for the "Use of ~~the~~ State Capitol Park", as
5 promulgated by the Office of Management and Enterprise Services and
6 set out in Subchapters ~~5~~ 3 and ~~7~~ 5 of Chapter ~~40~~ 60 of Title ~~580~~ 260
7 of the Oklahoma Administrative Code, are applicable to the State
8 Capitol Park and State Capitol Complex. The Department of Public
9 Safety shall have the exclusive authority to enforce these rules. A
10 violation of a rule shall be a misdemeanor and, upon conviction,
11 shall be punishable by imprisonment in the county jail not exceeding
12 one (1) year, or by a fine not exceeding Five Hundred Dollars
13 (\$500.00), or by both such fine and imprisonment.

14 C. This section shall not be construed to divest the Cities of
15 Oklahoma City or Tulsa of jurisdiction relating to the enforcement
16 of any law or ordinance within said parks except the enforcement of
17 laws regarding vehicle parking which shall be vested exclusively in
18 the Department of Public Safety.

19 SECTION 5. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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