

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3024

By: Humphrey of the House

and

Bullard of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2021, Section 1792, which relates to trespass
13 to critical infrastructure facilities; expanding
14 scope of certain prohibited act; defining term;
15 modifying definition; and providing an effective
16 date.

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

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

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

1 (6) months, or by both such fine and imprisonment. If it is
2 determined the intent of the trespasser is to willfully damage,
3 destroy, vandalize, deface, tamper with equipment, or impede or
4 inhibit operations of the facility, the person shall, upon
5 conviction, be guilty of a felony punishable by a fine of not ~~less~~
6 more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in
7 the custody of the Department of Corrections for a term of one (1)
8 year, or by both such fine and imprisonment. As used in this
9 subsection, "loiter" means standing or waiting around idly or
10 without apparent or rational purpose.

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

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

23 D. As used in this section, "critical infrastructure facility"
24 means:

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

- 7 a. a petroleum or alumina refinery,
- 8 b. an electrical power generating facility, substation,
9 switching station, electrical control center or
10 electric power lines and associated equipment
11 infrastructure,
- 12 c. a chemical, polymer or rubber manufacturing facility,
- 13 d. a water intake structure, water treatment facility,
14 wastewater treatment plant or pump station,
- 15 e. a natural gas compressor station,
- 16 f. a liquid natural gas terminal or storage facility,
- 17 g. a telecommunications central switching office,
- 18 h. wireless telecommunications infrastructure, including
19 cell towers, telephone poles and lines, including
20 fiber-optic lines,
- 21 i. a port, railroad switching yard, railroad tracks,
22 trucking terminal or other freight transportation
23 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

1 that is enclosed by a fence, other physical barrier or is clearly
2 marked with signs prohibiting trespassing, that are obviously
3 designed to exclude intruders;

4 3. Any prison facility; or

5 4. Any county-owned property including, but not limited to,
6 courthouses and detention centers.

7 SECTION 2. This act shall become effective November 1, 2024.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
10 02/22/2024 - DO PASS, As Amended and Coauthored.