

S.F. No. 0074	Crimes against critical infrastructure.
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Sponsored By: Senator(s) Christensen, Bebout, Driskill, Kinskey, Nethercott, Perkins and Von Flatern and Representative(s) Biteman, Blake, Brown, Kirkbride, Olsen, Paxton, Sweeney and Winters

AN ACT relating to crimes and offenses; creating crimes relating to critical infrastructure; specifying elements; providing penalties; providing definitions; and providing for an effective date.

2/7/2018 Bill Number Assigned
2/9/2018 S Received for Introduction
2/14/2018 S Introduced and Referred to S01 - Judiciary 25-3-1-1-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Perkins, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Case, Hastert, Rothfuss

Excused: Senator(s) Bebout, Pappas

Ayes 25 Nays 3 Excused 2 Absent 0 Conflicts 0

2/19/2018 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Christensen, Hicks, Kinskey, Nethercott

Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0

2/19/2018 S Placed on General File

SF0074SS001/ADOPTED

(CORRECTED COPY)

Page 2-line 4 After "(i)" insert "Intentionally"; delete "or inhibits".

Page 2-line 7 Delete "vandalizes,".

Page 2-line 17 Delete "hires" and insert "compensates".

Page 3-after line 2 Insert:
"(ii) "Impedes" means to block or prevent legal access to or operation of a critical infrastructure facility in a manner not authorized by law;".

Page 3-line 4 Delete "(ii)" and insert "(iii)".

Page 4-line 13 Delete "or inhibit".

Page 4-line 16 Delete "vandalize,".

Page 4-line 21 Delete "hires" and insert "compensates".

Page 5-after line 7 Insert:
"(ii) "Impedes" means to block or prevent legal access to or operation of a critical infrastructure facility in a manner not authorized by law;".

Page 5-line 9 Delete "(ii)" insert "(iii)".

Page 6-line 1 Before "or other storage" insert "that is fenced pursuant to W.S. 37-9-304(a)".

Page 7-line 17 After "yard" delete "," and insert "or".

Page 7-line 18 Delete "tracks" insert "track that is fenced pursuant to W.S. 37-9-304(a)".

Page 8-lines 13 through 14 Delete entirely and insert:
"(XIV) Any dam that supplies irrigation, industrial or municipal water supplies;".
Page 8-line 19 Delete "regular" and insert "regulator".
Page 9-line 6 Delete "or".
Page 9-line 9 Delete "." and insert ";".
Page 9-after line 9 Insert:
"(XIX) Cable television infrastructure, including head ends, poles, cable television lines, coaxial and fiber optic lines and other equipment attached to cable television lines; or (XX) A large water diversion structure or large water transmission infrastructure.". CHRISTENSEN, CHAIRMAN

2/22/2018 S COW:Passed

SF0074S2001/ADOPTED

Page 8-line 17 After "including" insert "transmission facilities,". CHRISTENSEN

2/23/2018 S 2nd Reading:Passed

SF0074S3001/FAILED

Page 2-lines 16 through 20 Delete entirely, including the Senate standing committee amendment (SF0074SS001/A) to these lines.
Page 2-line 22 Delete "(d)" and insert "(c)".
Page 3-lines 4 and 5 Delete entirely, including the Senate standing committee amendment (SF0074SS001/A) to these lines.
Page 4-lines 20 through 22 Delete entirely, including the Senate standing committee amendment (SF0074SS001/A) to these lines.
Page 5-line 4 Delete "(e)" and insert "(d)".
Page 5-lines 9 and 10 Delete entirely, including the Senate standing committee amendment (SF0074SS001/A) to these lines. ROTHFUSS

2/27/2018 S 3rd Reading:Passed 25-5-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Anderson, Anselmi-Dalton, Case, Hastert, Rothfuss

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2018 H Received for Introduction

3/1/2018 H Introduced and Referred to H09 - Minerals

3/6/2018 H09 - Minerals:Recommend Amend and Do Pass 6-2-0-0-1

ROLL CALL

Ayes: Representative(s) Crank, Eyre, Greear, Henderson, Lindholm, Loucks

Nays: Representative(s) Byrd, Clausen

Conflicts: Representative Gray

Ayes 6 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 1

SF0074HS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 1 Delete "the".
Page 1-line 2 Delete entirely and insert "relating to".
Page 2-line 2 Delete ":" and insert "intentionally impedes the operations of a critical infrastructure facility, including by damaging, destroying, defacing or tampering with the equipment of a facility which cumulatively results in damage of less than one thousand dollars (\$1,000.00). A person violating this subsection is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both."
Page 2-lines 4 through 14 Delete entirely and insert:
"(b) A person is guilty of damaging critical infrastructure if he damages, destroys, defaces or tampers with the equipment of a critical infrastructure facility, cumulatively resulting in damage of one thousand dollars (\$1,000.00) or more. A person violating this subsection is guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both."
Page 2-line 16 Delete "encourages,".
Page 2-line 18 After "infrastructure" insert "or damaging critical infrastructure".
Page 4-lines 10 through 21 Delete entirely.
Page 5-lines 1 through 5 Delete entirely.
Page 5-line 7 Delete "(e)" insert "(c)". GREEAR, CHAIRMAN

SF0074HW001.01/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 3-line 5 Delete "critical infrastructure".
Page 3-line 6 After "facility" insert "or structure".
ZWONITZER

SF0074HW001.02/FAILED

(TO ENGROSSED COPY)

(CORRECTED COPY)

[DIVIDED AMENDMENT]

Page 2-line 2 In the standing committee amendment (SF0074HS001/AE) to this line, after "impedes the operations of a" insert "functioning".
Page 2-lines 4 through 14 In the standing committee amendment (SF0074HS001/AE) to these lines, after "with the equipment of a" insert "functioning".
ZWONITZER

SF0074HW002/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 19 Delete entirely and insert "hundred thousand dollars (\$100,000.00). An organization is subject to civil liability for violating this subsection and a critical infrastructure facility may recover actual and consequential

damages relating to the violation, whether or not any fine is imposed pursuant to this subsection.". ZWONITZER, STITH

SF0074HW003/WITHDRAWN

3/7/2018 H COW:Passed

**SF0074H2001.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 3-line 5 Delete "access to or operation of" and insert "access to, and operation of,".
Page 4-line 2 Delete "barrier that is".
Page 4-line 3 Delete "obviously" and insert "barriers".
LINDHOLM

**SF0074H2001.02/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 3-line 6 Delete "authorized by law" and insert "protected by the first amendment to the United States constitution and the Wyoming constitution". LINDHOLM

**SF0074H2002/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)**

Page 6-lines 6 through 12 Delete entirely and insert:
"(A) Any railroad facility that is fenced pursuant to W.S. 37-9-304(a) or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank or other storage facility that is:
(I) Enclosed by a fence or other physical barrier that is obviously designed to exclude intruders; and
(II) Clearly marked with signs prohibiting trespassing; or".
Page 6-line 16 Delete ", or if" and insert "and that is".
ZWONITZER

SF0074H2003/FAILED (TO ENGROSSED COPY)

Delete the standing committee amendment (SF0074HS001/AE) entirely and further amend as follows:
Page 1-line 1 Delete "the".
Page 1-line 2 Delete entirely and insert "relating to".
Page 1-line 12 Delete "**Impeding**" and insert "**Damaging**".
Page 2-lines 1 through 14 Delete entirely and insert:
"(a) A person is guilty of damaging critical infrastructure if he damages, destroys, defaces or tampers with the equipment of a critical infrastructure facility, resulting in cumulative damage of one thousand dollars (\$1,000.00) or more. A person violating this subsection is guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both."
Page 2-line 15 Delete "(c)" and insert "(b)".
Page 2-line 16 Delete "encourages,".
Page 2-line 17 Delete "impeding" and insert "damaging".
Page 2-line 21 Delete "(d)" and insert "(c)".

Page 3-lines 4 through 6 Delete entirely, including the Zwonitzer committee of the whole amendment (SF0074HW001.01/AE) and the Lindholm second reading amendment (SF0074H2001/AE) to these lines.

Page 3-line 8 Delete "(iii)" and insert "(ii)".

Page 4-lines 10 through 22 Delete entirely.

Page 5-lines 1 through 6 Delete entirely.

Page 5-line 7 Delete "(e)" insert "(c)".

Page 5-lines 12 through 14 Delete entirely.

Page 5-line 16 Delete "(iii)" and insert "(ii)". CLAUSEN, GIERAU, MADDEN, SOMMERS

SF0074H2004/ADOPTED (TO ENGROSSED COPY)

Page 2-line 2 In the standing committee amendment to this line (SF0074HS001/AE) after "intentionally" insert "or knowingly".

Page 2-lines 4 through 14 In the standing committee amendment to these lines (SF0074HS001/AE) after "infrastructure if he" insert "intentionally".

Page 2-lines 4 through 14 In the standing committee amendment to these lines (SF0074HS001/AE) before "damages, destroys" insert "or knowingly". STITH, OLSEN

SF0074H2005/WITHDRAWN

SF0074H2006/ADOPTED (TO ENGROSSED COPY)

Page 3-after line 9 Insert and renumber as necessary:
"(e) This section shall not apply to actions arising out of a bona fide dispute about access to land that grows out of an existing contract.". WINTERS, SOMMERS, OLSEN, EYRE

SF0074H2007/ADOPTED (TO ENGROSSED COPY)

Page 2-after line 19 Insert and renumber as necessary:
"(c) Nothing in this section shall be construed to apply to picketing, public demonstrations or other expressions of free speech and association protected under the United States and Wyoming constitutions.".

Page 3-after line 9 Insert and renumber as necessary:
"(e) This section shall not apply to actions taken by a person, or an immediate member of that person's family, while on land owned by that person.".

Page 5-after line 17 Insert and renumber as necessary:
"(f) This section shall not apply to actions taken by a person, or an immediate member of that person's family, while on land owned by that person.". LINDHOLM, SOMMERS, HENDERSON

SF0074H2008/FAILED (TO ENGROSSED COPY)

Delete the Zwonitzer second reading amendment (SF0074H2002/ACE) and further amend as follows:

Page 1-line 4 After "penalties;" insert "requiring specified rulemaking and critical infrastructure facility designations;".

Page 1-line 9 After "W.S." insert "6-1-105,".

Page 1-after line 10 Insert:
"6-1-105. Designation as a critical infrastructure facility; promulgation of rules.

(a) A critical infrastructure facility which believes it meets the requirements of W.S. 6-1-104(a)(xvii) may apply to the office of homeland security for designation as a critical infrastructure facility for the purposes of W.S. 6-3-205 and 6-3-308.

(b) The office of homeland security, in consultation with law enforcement and other appropriate state agencies, shall promulgate rules under the Wyoming Administrative Procedure Act, designating specified facilities which apply under subsection (a) of this section as critical infrastructure facilities. After filing an application under subsection (a) of this section, a facility meeting the requirements of W.S. 6-1-104(a)(xvii)(B)(XIII) shall be included in rules promulgated under this subsection.

(c) The office of homeland security shall also promulgate rules setting forth:

(i) Procedures for critical infrastructure facilities to submit an application under subsection (a) of this section; and

(ii) Any additional requirements for a facility to qualify as a critical infrastructure facility which are not inconsistent with the provisions of W.S. 6-1-104(a)(xvii)."

Page 6-lines 4 through 22 Delete entirely, including the Winters second reading amendment (SF0074H2005/E) and insert:

"(xvii) Consistent with rules promulgated under W.S. 6-1-105, critical infrastructure facility means a facility designated pursuant to W.S. 6-1-105 and shall include systems or assets, whether physical or virtual, so vital to Wyoming that damage, impediment or trespass to the system or asset would have a debilitating impact on security, economic security, public health or safety, or any combination of those matters;".

Pages 7 through 9 Delete entirely.

Page 10-lines 2 and 3 Delete entirely. BARLOW

SF0074H2009/ADOPTED (TO ENGROSSED COPY)

Page 2-after line 19 Insert and renumber as necessary:

"(d) No person shall be liable for a violation of subsections (a) or (b) of this section if the person:

(i) Owns or legally occupies the land upon which the facility is located while engaged in conduct not inconsistent with the operation of the critical infrastructure facility, or as otherwise authorized by an agreement; or

(ii) Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject."

Page 5-above line 7 Insert and renumber as necessary:

"(c) No person shall be liable for a violation of subsection (a) of this section if the person:

(i) Owns or legally occupies the land upon which the facility is located while engaged in conduct not inconsistent with the operation of the critical infrastructure facility, or as otherwise authorized by an agreement; or

(ii) Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject."

BARLOW

SF0074H2010/FAILED (TO ENGROSSED COPY)

Page 3-line 9 Delete ", other than an individual".

Page 5-line 17 Delete ", other than an individual". BARLOW

3/8/2018 H 2nd Reading:Passed

**SF0074H3001.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 3-after line 9 In subsection (e) created by the Lindholm second reading amendment (SF0074H2007/AE) to this line, after "owned" insert "or legally occupied".

Page 5-after line 17 In subsection (f) created by the Lindholm second reading amendment (SF0074H2007/AE) to this line, after "owned" insert "or legally occupied". LINDHOLM, POWNALL, SOMMERS

**SF0074H3001.02/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Delete the Barlow second reading amendment (SF0074H2009/AE) entirely. LINDHOLM, POWNALL, SOMMERS

SF0074H3002/ADOPTED (TO ENGROSSED COPY)

Page 2-after line 19 In the Lindholm second reading amendment (SF0074H2007/AE) to this line, delete "picketing,". LINDHOLM, POWNALL

SF0074H3003/ADOPTED (TO ENGROSSED COPY)

Page 3-after line 9 Delete the Lindholm, et al. second reading amendment (SF0074H2007/AE) to this line and the Lindholm, et al. third reading amendment (SF0074H3001/AE) to this line entirely.

Page 5-after line 17 Delete the Lindholm, et al. second reading amendment (SF0074H2007/AE) to this line and the Lindholm, et al. third reading amendment (SF0074H3001/AE) to this line entirely. OLSEN

**SF0074H3004.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 3-line 9 Delete "." and insert ";".

Page 3-after line 9 Insert:
"(iv) "Tamper or tampering" includes to pollute, poison or change the chemical characteristic of any contained liquid or gas within a storage reservoir, tank or pipeline.". CRANK

**SF0074H3004.02/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 7-line 9 After "A" insert "municipal or industrial".

Page 7-line 11 After "station" insert "capable of pumping or processing more than two hundred (200) gallons per minute".

Page 8-line 22 After "dam" insert "with a storage capacity greater than ten (10) acre feet and a dam crest height greater than ten (10) feet".

Page 9-line 23 Delete "; or" and insert "in which damage would result in the loss of service to more than twenty-five (25) customers;".

Page 10-lines 2 and 3 Delete entirely and insert:

"(xx) A large water diversion structure having an instantaneous diversion capacity of more than fifteen hundred (1,500) gallons per minute or large water transmission infrastructure with a minimum peak design capacity of fifteen hundred (1,500) gallons per minute." CRANK

SF0074H3005/ADOPTED

(TO ENGROSSED COPY)

Page 2-after line 19

In the Lindholm et al. second reading amendment (SF0074H2007/A) to this line after "constitutions" insert ", but only to the extent that such activity constitutes protected speech under the Wyoming and United States constitutions." STITH

SF0074H3006/FAILED

(TO ENGROSSED COPY)

Page 1-line 4

After "penalties;" insert "requiring specified rulemaking;"

Page 1-line 9

After "W.S." insert "6-1-105,"

Page 1-after line 10

Insert:

"6-1-105. Critical infrastructure facilities; office of homeland security; promulgation of rules.

The office of homeland security, in consultation with law enforcement and other appropriate state and federal agencies, shall promulgate rules under the Wyoming Administrative Procedure Act, consistent with W.S. 6-1-104(a)(xvii), to designate types of facilities as critical infrastructure facilities for the purposes of W.S. 6-3-205 and 6-3-308."

Page 6-lines 4 through 22 Delete entirely and insert:

"(xvii) Critical infrastructure facility means facilities designated pursuant to W.S. 6-1-105 and shall include systems or assets, whether physical or virtual, to which damage, impediment or trespass to the system or asset would have a debilitating impact on security, economic security, public health or safety, or any combination of these matters."

Pages 7 through 9

Delete entirely, including the Crank third reading amendments to these pages (SF0074H3004/AE).

Page 10-lines 2 and 3

Delete entirely, including the Crank third reading amendment to these lines (SF0074H3004/AE). BARLOW

SF0074H3007/WITHDRAWN

3/9/2018

H 3rd Reading:Passed 36-23-0-0-1

ROLL CALL

Ayes: Representative(s) Biteman, Blackburn, Brown, Burkhart, Edwards, Eklund, Eyre, Flitner, Greear, Halverson, Harshman, Henderson, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lone, Loucks, MacGuire, Miller, Northrup, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Salazar, Simpson, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Nays: Representative(s) Allen, Barlow, Blake, Bovee, Byrd, Clausen, Clem, Connolly, Court, Crank, Dayton, Freeman, Furphy, Gierau, Haley, Hallinan, Hunt, Lindholm, Madden, Nicholas, Pelkey, Schwartz, Sommers

Conflicts: Representative Gray
Ayes 36 **Nays** 23 **Excused** 0 **Absent** 0 **Conflicts** 1

3/10/2018 S Received for Concurrence
3/10/2018 S Concur:Passed 21-9-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Baldwin, Barnard, Bebout, Bouchard, Christensen, Coe, Dockstader, Driskill, Emerich, Hicks, Kinskey, Landen, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Von Flatern

Nays: Senator(s) Anselmi-Dalton, Boner, Burns, Case, Ellis, Hastert, Meier, Rothfuss, Wasserburger

Ayes 21 **Nays** 9 **Excused** 0 **Absent** 0 **Conflicts** 0

3/10/2018 Assigned Number SEA No. 0065
3/10/2018 S President Signed SEA No. 0065
3/10/2018 H Speaker Signed SEA No. 0065
3/15/2018 Governor Vetoed SEA No. 0065
3/15/2018 Veto Message Received
3/15/2018 S:Veto Override 20-5-5-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Baldwin, Barnard, Boner, Bouchard, Burns, Christensen, Dockstader, Hicks, Kinskey, Landen, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Anselmi-Dalton, Case, Emerich, Meier, Rothfuss

Excused: Senator(s) Bebout, Coe, Driskill, Ellis, Hastert

Ayes 20 **Nays** 5 **Excused** 5 **Absent** 0 **Conflicts** 0

3/15/2018 H:Did Not Override Veto 20-33-6-0-1

ROLL CALL

Ayes: Representative(s) Biteman, Blackburn, Brown, Burkhart, Edwards, Eklund, Greear, Halverson, Jennings, Larsen, Laursen, Lone, Miller, Olsen, Paxton, Pownall, Simpson, Sweeney, Wilson, Winters

Nays: Representative(s) Allen, Barlow, Blake, Bovee, Byrd, Clausen, Clem, Connolly, Court, Crank, Dayton, Freeman, Furphy, Gierau, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Lindholm, Loucks, MacGuire, Madden, Nicholas, Obermueller, Pelkey, Piiparinen, Salazar, Schwartz, Steinmetz, Stith, Walters

Excused: Representative(s) Eyre, Flitner, Kirkbride, Northrup, Sommers, Zwonitzer

Conflicts: Representative Gray

Ayes 20 **Nays** 33 **Excused** 6 **Absent** 0 **Conflicts** 1