Crimes against critical infrastructure.

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

A BILL

for

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

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 6-3-205 and 6-3-308 are created to read:

6-3-205. Impeding critical infrastructure.
(a) A person is guilty of impeding critical infrastructure if he:

(i) Intentionally impedes the operations of a critical infrastructure facility; or

(ii) Damages, destroys, defaces or tampers with the equipment at a critical infrastructure facility.

(b) Impeding critical infrastructure is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than one hundred thousand dollars ($100,000.00), or both.

(c) An organization that aids, abets, solicits, encourages, compensates, conspires, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed one million dollars ($1,000,000.00).

(d) As used in this section:
(i) "Critical infrastructure facility" means as defined in W.S. 6-1-104(a)(xvii);

(ii) "Impedes" means to block or prevent legal access to or operation of a critical infrastructure facility in a manner not authorized by law;

(iii) "Organization" means a person, as defined in W.S. 6-1-104(a)(vii), other than an individual.

6-3-308. Critical infrastructure trespass.

(a) A person is guilty of critical infrastructure trespass if he enters or remains on or in a critical infrastructure facility knowing he is not authorized to do so or after being notified to depart or to not trespass. For purposes of this section, notice is given by:

   (i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;

   (ii) Posting of signs reasonably likely to come to the attention of intruders; or
(iii) Fencing or other physical barrier that is obviously designed to exclude intruders.

(b) Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars ($1,000.00), or both.

(c) Critical infrastructure trespass is a felony punishable by imprisonment for not more than ten (10) years, a fine of not less than ten thousand dollars ($10,000.00), nor more than one hundred thousand dollars ($100,000.00), or both, if the trespass is committed with the intent to:

(i) Impede the operations of a critical infrastructure facility; or

(ii) Damage, destroy, deface or tamper with the equipment at a critical infrastructure facility.
(d) An organization that aids, abets, solicits, encourages, compensates, conspires, commands or procures a person to commit the crime of critical infrastructure trespass under subsection (c) of this section is subject to a fine not to exceed one million dollars ($1,000,000.00).

(e) As used in this section:

(i) "Critical infrastructure facility" means as defined in W.S. 6-1-104(a)(xvii);

(ii) "Impedes" means to block or prevent legal access to or operation of a critical infrastructure facility in a manner not authorized by law;

(iii) "Organization" means a person, as defined in W.S. 6-1-104(a)(vii), other than an individual.

Section 2. W.S. 6-1-104(a) by creating a new paragraph (xvii) and by renumbering (xvii) as (xviii) is amended to read:

6-1-104. Definitions.
(a) As used in this act, unless otherwise defined:

(xvii) "Critical infrastructure facility" means:

(A) Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility that is fenced pursuant to W.S. 37-9-304(a) 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; or

(B) One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

(I) A petroleum or alumina refinery;
(II) An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure;

(III) A chemical, polymer or rubber manufacturing facility;

(IV) A water intake structure, water treatment facility, wastewater treatment plant or pump station;

(V) A natural gas compressor station;

(VI) A liquid natural gas terminal or storage facility;

(VII) A telecommunications central switching office;

(VIII) Wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines;
(IX) A port, railroad switching yard or railroad track that is fenced pursuant to W.S. 37-9-304(a), trucking terminal or other freight transportation facility;

(X) A gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids;

(XI) A transmission facility used by a federally licensed radio or television station;

(XII) A steelmaking facility that uses an electric arc furnace to make steel;

(XIII) A facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program;

(XIV) Any dam that supplies irrigation, industrial or municipal water supplies;
(XV) A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border stations, metering stations, aboveground piping, a regulator station and a natural gas storage facility;

(XVI) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump stations, metering stations, aboveground or underground pipelines or piping and truck loading or offloading facilities;

(XVII) An aboveground or underground mining facility;

(XVIII) A data center or supercomputing center;

(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.

(xvii) (xviii) "This act" means title 6 of the Wyoming statutes.

Section 3. This act is effective July 1, 2018.