

HOUSE BILL No. 2061

By Committee on Judiciary

Requested by Fred Patton on behalf of Charter Communications Operating, LLC

1-22

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to the crimes of trespassing on a critical infrastructure facility and
3 criminal damage to a critical infrastructure facility; defining a critical
4 infrastructure facility used for telecommunications or video services to
5 include aboveground and belowground lines, cables~~and~~, wires **and**
6 **certain other structures and equipment**; amending K.S.A. 21-5818
7 and repealing the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 21-5818 is hereby amended to read as follows: 21-
11 5818. (a) Trespassing on a critical infrastructure facility is, without consent
12 of the owner or the owner's agent, knowingly entering or remaining in:

13 (1) A critical infrastructure facility; or

14 (2) any property containing a critical infrastructure facility, if such
15 property is completely enclosed by a fence or other physical barrier that is
16 obviously designed to exclude intruders or is clearly marked with a sign or
17 signs that are posted on the property that are reasonably likely to come to
18 the attention of intruders and indicate that entry is forbidden without site
19 authorization.

20 (b) Aggravated trespassing on a critical infrastructure facility is:

21 (1) Knowingly entering or remaining in:

22 (A) A critical infrastructure facility; or

23 (B) any property containing a critical infrastructure facility, if such
24 property is completely enclosed by a fence or other physical barrier that is
25 obviously designed to exclude intruders or is clearly marked with a sign or
26 signs that are posted on the property that are reasonably likely to come to
27 the attention of intruders and indicate that entry is forbidden without site
28 authorization; and

29 (2) with the intent to damage, destroy or tamper with a critical
30 infrastructure facility or impede or inhibit operations of the facility.

31 (c) Criminal damage to a critical infrastructure facility is knowingly
32 damaging, destroying or tampering with a critical infrastructure facility.

33 (d) Aggravated criminal damage to a critical infrastructure facility is

1 knowingly damaging, destroying or tampering with a critical infrastructure
 2 facility with the intent to impede or inhibit operations of the facility.

3 (e) (1) Trespassing on a critical infrastructure facility is a class A
 4 nonperson misdemeanor.

5 (2) Aggravated trespassing on a critical infrastructure facility is a
 6 severity level 7, nonperson felony.

7 (3) Criminal damage to a critical infrastructure facility is a severity
 8 level 6, nonperson felony.

9 (4) Aggravated criminal damage to a critical infrastructure facility is
 10 a severity level 5, nonperson felony.

11 (f) Nothing in this section shall be construed to prevent:

12 (1) An owner or operator of a critical infrastructure facility that has
 13 been damaged from pursuing any other remedy in law or equity; or

14 (2) a person who violates the provisions of this section from being
 15 prosecuted for, convicted of and punished for any other offense in article
 16 58 of chapter 21 of the Kansas Statutes Annotated, and amendments
 17 thereto, or K.S.A. 66-2303, and amendments thereto.

18 (g) As used in this section, "critical infrastructure facility" means any:

19 (1) Petroleum or alumina refinery;

20 (2) electric generation facility, substation, switching station, electrical
 21 control center, electric distribution or transmission lines, or associated
 22 equipment infrastructure;

23 (3) chemical, polymer or rubber manufacturing facility;

24 (4) water supply diversion, production, treatment, storage or
 25 distribution facility and appurtenances, including, but not limited to,
 26 underground pipelines and a wastewater treatment plant or pump station;

27 (5) natural gas compressor station;

28 (6) liquid natural gas or propane terminal or storage facility;

29 (7) facility **or any aboveground or belowground line, cable or wire**

30 that is used for wireline, broadband or wireless telecommunications or

31 video services infrastructure ~~whether such facility is located within or~~

32 ~~outside of any public or highway right-of-way~~, including, ~~but not limited~~

33 ~~to:~~

34 ~~(A) Aboveground and belowground lines, cable or wires;~~

35 ~~(B) backup power supplies; and~~

36 ~~(C) cable television headend;~~

37 ~~(D) antennas, radio transceivers, towers, wireless support~~
 38 **structures, small cell facilities and any associated support structures**
 39 **and accessory equipment; and**

40 ~~(E) related equipment buildings, cabinets and storage sheds,~~
 41 **shelters or similar structures;**

42 (8) port, railroad switching yard, railroad tracks, trucking terminal or
 43 other freight transportation facility;

1 (9) gas processing plant, including a plant used in the processing,
2 treatment or fractionation of natural gas, propane or natural gas liquids;

3 (10) transmission facility used by a federally licensed radio or
4 television station;

5 (11) steelmaking facility that uses an electric arc furnace to make
6 steel;

7 (12) facility identified and regulated by the United States department
8 of homeland security chemical facility anti-terrorism standards program, a
9 facility operated by the office of laboratory services under the supervision
10 of the secretary of health and environment pursuant to K.S.A. 75-5608,
11 and amendments thereto, the national bio and agro-defense facility or the
12 biosecurity research institute at Kansas state university;

13 (13) dam that is regulated by the state as a hazard class B or C dam or
14 by the federal government;

15 (14) natural gas distribution utility facility or natural gas transmission
16 facility, including, but not limited to, pipeline interconnections, a city gate
17 or town border station, metering station, belowground or aboveground
18 piping, a regular station or a natural gas storage facility;

19 (15) crude oil, including y-grade or natural gas liquids, or refined
20 products storage and distribution facility, including, but not limited to,
21 valve sites, pipeline interconnections, pump station, metering station,
22 belowground or aboveground pipeline or piping and truck loading or
23 offloading facility; or

24 (16) portion of any belowground or aboveground oil, gas, hazardous
25 liquid or chemical pipeline, tank, railroad facility or any other storage
26 facility that is enclosed by a fence or other physical barrier or is clearly
27 marked with signs prohibiting trespassing, that are obviously designed to
28 exclude intruders.

29 Sec. 2. K.S.A. 21-5818 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.