

SENATE FILE NO. SF0074

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

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

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

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

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12 **6-3-205. Impeding critical infrastructure.**

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1 (a) A person is guilty of impeding critical
2 infrastructure if he:

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

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

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10 (b) Impeding critical infrastructure is a felony
11 punishable by imprisonment for not more than ten (10)
12 years, a fine of not more than one hundred thousand dollars
13 (\$100,000.00), or both.

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

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21 (d) As used in this section:

22

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

3
4 (ii) "Impedes" means to block or prevent legal
5 access to or operation of a critical infrastructure
6 facility in a manner not authorized by law;

7
8 (iii) "Organization" means a person, as defined
9 in W.S. 6-1-104(a) (vii), other than an individual.

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11 **6-3-308. Critical infrastructure trespass.**

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

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

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22 (ii) Posting of signs reasonably likely to come
23 to the attention of intruders; or

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2 (iii) Fencing or other physical barrier that is
3 obviously designed to exclude intruders.

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

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10 (c) Critical infrastructure trespass is a felony
11 punishable by imprisonment for not more than ten (10)
12 years, a fine of not less than ten thousand dollars
13 (\$10,000.00), nor more than one hundred thousand dollars
14 (\$100,000.00), or both, if the trespass is committed with
15 the intent to:

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

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20 (ii) Damage, destroy, deface or tamper with the
21 equipment at a critical infrastructure facility.

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1 (d) An organization that aids, abets, solicits,
2 encourages, compensates, conspires, commands or procures a
3 person to commit the crime of critical infrastructure
4 trespass under subsection (c) of this section is subject to
5 a fine not to exceed one million dollars (\$1,000,000.00).

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7 (e) As used in this section:

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

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

15

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

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

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23 **6-1-104. Definitions.**

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(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;

1 (II) An electrical power generating
2 facility, substation, switching station, electrical control
3 center or electric power lines and associated equipment
4 infrastructure;

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

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

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13 (V) A natural gas compressor station;

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

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18 (VII) A telecommunications central
19 switching office;

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21 (VIII) Wireless telecommunications
22 infrastructure, including cell towers, telephone poles and
23 lines, including fiber optic lines;

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(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;

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(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

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(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.

(END)