

HOUSE BILL NO. HB0010

Crimes against critical infrastructure.

Sponsored by: Representative(s) Larsen, Eyre, Lindholm, Olsen
and Paxton and Senator(s) Driskill, Kinskey
and Nethercott

A BILL

for

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

5

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

7

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

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11 **6-3-205. Impeding critical infrastructure.**

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13 (a) A person is guilty of impeding critical
14 infrastructure if he intentionally or knowingly impedes the

1 operations of a critical infrastructure facility in a manner
2 not otherwise authorized by law.

3

4 (b) Impeding critical infrastructure is:

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6 (i) A misdemeanor punishable by imprisonment for
7 not more than six (6) months, a fine of not more than one
8 thousand dollars (\$1,000.00), or both, if the impediment
9 causes damage or economic loss, the cost of which is less
10 than one thousand dollars (\$1,000.00);

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12 (ii) A felony punishable by imprisonment for not
13 more than ten (10) years, a fine of not more than ten thousand
14 dollars (\$10,000.00), or both, if the impediment causes
15 damage or economic loss, the cost of which is one thousand
16 dollars (\$1,000.00) or more.

17

18 (c) If a series of damage or loss results from a single
19 continuing course of conduct, a single violation of this
20 section may be charged and penalties imposed based on the
21 aggregate cost of the damage or loss.

22

1 (d) An organization that aids, abets, solicits,
2 compensates, hires, conspires with, commands or procures a
3 person to commit the crime of impeding critical
4 infrastructure is subject to a fine not to exceed one hundred
5 thousand dollars (\$100,000.00), provided that the
6 organization acted with the intent that the crime of impeding
7 critical infrastructure be completed. A critical
8 infrastructure facility may maintain a civil action against
9 an organization for damages suffered as a consequence of a
10 violation of this subsection, including damages for lost
11 profits, whether or not any fine is imposed pursuant to this
12 subsection.

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14 (e) Nothing in this section shall be construed to apply
15 to public demonstrations or other expressions of free speech
16 or free association to the extent that such activity is
17 protected under the United States or Wyoming constitutions.

18

19 (f) No person shall be liable for a violation of
20 subsection (a) or (b) of this section if the person:

21

22 (i) Owns or legally occupies the land upon which
23 the critical infrastructure facility is located and is

1 engaged in conduct not inconsistent with the operation of the
2 critical infrastructure facility or that is authorized by an
3 agreement;

4

5 (ii) Is lawfully engaged in any regulatory or
6 legal process to which the critical infrastructure facility
7 is subject;

8

9 (iii) Is engaged in conduct arising out of a bona
10 fide dispute about access to land.

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12 (g) As used in this section:

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14 (i) "Economic loss" means a monetary loss that
15 occurs as a result of the commission of the crime under
16 subsection (a) of this section, including lost profit and the
17 cost to restore the operational capacity lost as a result of
18 the crime;

19

20 (ii) "Impedes" means:

21

22 (A) To block the operation of or prevent
23 legal access to a critical infrastructure facility or the

1 construction of a permitted critical infrastructure facility;
2 or

3 (B) To damage, destroy, deface or tamper with
4 the equipment of a critical infrastructure facility or a
5 permitted critical infrastructure facility;

6

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

9

10 **6-3-308. Critical infrastructure trespass.**

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

19

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

22

1 (ii) Posting of signs reasonably likely to come to
2 the attention of intruders; or

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4 (iii) The presence of fencing or other physical
5 barrier designed to exclude intruders.

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

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12 (c) No person shall be liable for a violation of
13 subsection (a) of this section if that person:

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15 (i) Owns or legally occupies the land upon which
16 the facility is located and is engaged in conduct not
17 inconsistent with the operation of the critical
18 infrastructure facility or that is authorized by an
19 agreement;

20

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

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

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

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8 (a) As used in this act, unless otherwise defined:

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10 (xvii) "Critical infrastructure facility" means:

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12 (A) Any portion of an oil, gas, hazardous
13 liquid or chemical pipeline, or tank, that is buried, enclosed
14 by a fence, enclosed by a physical barrier or is clearly
15 marked with signs prohibiting trespassing, that are obviously
16 designed to exclude intruders; or

17

18 (B) One (1) of the following, if completely
19 enclosed by a fence or other physical barrier that is
20 obviously designed to exclude intruders, or if clearly marked
21 with a sign or signs that are reasonably likely to come to
22 the attention of intruders and indicate that entry is
23 forbidden without authorization:

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(I) A chemical or polymer manufacturing

facility;

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(II) A telecommunications central

switching office;

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(III) Wireless or other

telecommunications infrastructure, including cell towers,

telephone poles and lines, or fiber optic lines, other than

those connecting to individual residences;

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(IV) A transmission facility used by a

federally licensed radio or television station or a

governmental law enforcement or emergency services radio

system;

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(V) A petroleum refinery;

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(VI) A liquid natural gas terminal or

storage facility;

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(VII) A natural gas compressor station;

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

(IX) A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station or a natural gas storage facility;

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

(XI) An aboveground or underground mining facility;

(XII) An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment

1 infrastructure other than those connections to individual
2 residences;

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4 (XIII) A data center or supercomputing
5 center that has an average constant draw of at least one (1)
6 megawatt of electricity;

7
8 (XIV) A commercial airport, trucking
9 terminal or other freight transportation facility including
10 a railroad switching yard, railroad facility or railroad
11 track that is fenced pursuant to W.S. 37-9-304(a);

12
13 (XV) Any reservoir that supplies water
14 for industrial or municipal supplies or irrigation for
15 multiple users or an irrigation district;

16
17 (XVI) A water intake structure, water
18 treatment facility, wastewater treatment plant or pump
19 station.

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21 (C) Any facility included in subparagraph (A)
22 or (B) of this paragraph that is lawfully permitted and under
23 construction.

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

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5 **Section 3.** This act is effective July 1, 2019.

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(END)