

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2536

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 1792, which relates to
9 trespass; providing for criminal liability for
loitering; providing certain definition; modifying
definition; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1792, is
14 amended to read as follows:

15 Section 1792. A. Any person who shall willfully trespass or
16 enter or loiter upon property containing a critical infrastructure
17 facility without permission by the owner of the property or lawful
18 occupant thereof shall, upon conviction, be guilty of a misdemeanor
19 punishable by a fine of not less than One Thousand Dollars
20 (\$1,000.00), or by imprisonment in the county jail for a term of six
21 (6) months, or by both such fine and imprisonment. If it is
22 determined the intent of the trespasser is to willfully damage,
23 destroy, vandalize, deface, tamper with equipment, or impede or
24 inhibit operations of the facility, the person shall, upon

1 conviction, be guilty of a felony punishable by a fine of not less
2 than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the
3 custody of the Department of Corrections for a term of one (1) year,
4 or by both such fine and imprisonment.

5 B. Any person who shall willfully damage, destroy, vandalize,
6 deface or tamper with equipment in a critical infrastructure
7 facility shall, upon conviction, be guilty of a felony punishable by
8 a fine of One Hundred Thousand Dollars (\$100,000.00), or by
9 imprisonment in the custody of the Department of Corrections for a
10 term of not more than ten (10) years, or by both such fine and
11 imprisonment.

12 C. If an organization is found to be a conspirator with persons
13 who are found to have committed any of the crimes described in
14 subsection A or B of this section, the conspiring organization shall
15 be punished by a fine that is ten times the amount of ~~said~~ the fine
16 authorized by the appropriate provision of this section.

17 D. As used in this section, "loiter" means standing or waiting
18 around idly or without apparent or rational purpose.

19 ~~D.~~ E. As used in this section, "critical infrastructure
20 facility" means:

21 1. One of the following, if completely enclosed by a fence or
22 other physical barrier that is obviously designed to exclude
23 intruders, or if clearly marked with a sign or signs that are posted
24 on the property that are reasonably likely to come to the attention

1 of intruders and indicate that entry is forbidden without site
2 authorization:

- 3 a. a petroleum or alumina refinery,
- 4 b. an electrical power generating facility, substation,
5 switching station, electrical control center or
6 electric power lines and associated equipment
7 infrastructure,
- 8 c. a chemical, polymer or rubber manufacturing facility,
- 9 d. a water intake structure, water treatment facility,
10 wastewater treatment plant or pump station,
- 11 e. a natural gas compressor station,
- 12 f. a liquid natural gas terminal or storage facility,
- 13 g. a telecommunications central switching office,
- 14 h. wireless telecommunications infrastructure, including
15 cell towers, telephone poles and lines, including
16 fiber optic lines,
- 17 i. a port, railroad switching yard, railroad tracks,
18 trucking terminal or other freight transportation
19 facility,
- 20 j. a gas processing plant, including a plant used in the
21 processing, treatment or fractionation of natural gas
22 or natural gas liquids,
- 23 k. a transmission facility used by a federally licensed
24 radio or television station,

- 1 l. a steelmaking facility that uses an electric arc
2 furnace to make steel,
- 3 m. a facility identified and regulated by the United
4 States Department of Homeland Security Chemical
5 Facility Anti-Terrorism Standards (CFATS) program,
- 6 n. a dam that is regulated by the state or federal
7 government,
- 8 o. a natural gas distribution utility facility including,
9 but not limited to, pipeline interconnections, a city
10 gate or town border station, metering station,
11 aboveground piping, a regulator station and a natural
12 gas storage facility, or
- 13 p. a crude oil or refined products storage and
14 distribution facility including, but not limited to,
15 valve sites, pipeline interconnections, pump station,
16 metering station, below or aboveground pipeline or
17 piping and truck loading or offloading facility; ~~or~~

18 2. Any aboveground portion of an oil, gas, hazardous liquid or
19 chemical pipeline, tank, railroad facility or other storage facility
20 that is enclosed by a fence, other physical barrier or is clearly
21 marked with signs prohibiting trespassing, that are obviously
22 designed to exclude intruders; or

23 3. Any county-owned property including, but not limited to,
24 courthouses and detention centers.

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SECTION 2. This act shall become effective November 1, 2023.

59-1-7146 CMA 01/17/23