

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2312

7 By: Archer

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to aircraft and airports; amending 3
10 O.S. 2021, Section 322, which relates to critical
11 infrastructure facilities; removing certain
12 exception; and providing an effective date.

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

14 SECTION 1. AMENDATORY 3 O.S. 2021, Section 322, is
15 amended to read as follows:

16 Section 322. A. As used in this section:

17 1. "Critical infrastructure facility" means:

- 18 a. one of the following, if completely enclosed by a
19 fence or other physical barrier that is obviously
20 designed to exclude intruders, or if clearly marked
21 with a sign or signs that are posted on the property,
22 are reasonably likely to come to the attention of
23 intruders, and indicate that entry is forbidden or
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1 flight of unmanned aircraft without site authorization
2 is forbidden:

- 3 (1) a petroleum or alumina refinery,
- 4 (2) an electrical power generating facility,
5 substation, switching station or electrical
6 control center,
- 7 (3) a chemical, polymer or rubber manufacturing
8 facility,
- 9 (4) a water intake structure, water treatment
10 facility, wastewater treatment plant or pump
11 station,
- 12 (5) a natural gas compressor station,
- 13 (6) a liquid natural gas terminal or storage
14 facility,
- 15 (7) a telecommunications central switching office,
- 16 (8) wireless telecommunications infrastructure,
17 including cell towers,
- 18 (9) a port, railroad switching yard, trucking
19 terminal or other freight transportation
20 facility,
- 21 (10) a gas processing plant, including a plant used in
22 the processing, treatment or fractionation of
23 natural gas or natural gas liquids,
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- 1 (11) a transmission facility used by a federally
2 licensed radio or television station,
3 (12) a steelmaking facility that uses an electric arc
4 furnace to make steel,
5 (13) a facility identified and regulated by the United
6 States Department of Homeland Security Chemical
7 Facility Anti-Terrorism Standards (CFATS)
8 program,
9 (14) a dam that is regulated by the state or federal
10 government, or
11 (15) a natural gas distribution utility facility,
12 including, but not limited to, pipeline
13 interconnections, a city gate or town border
14 station, metering station, aboveground piping, a
15 regulator station and a natural gas storage
16 facility, or

- 17 b. any aboveground portion of an oil, gas, hazardous
18 liquid or chemical pipeline that is enclosed by a
19 fence or other physical barrier that is obviously
20 designed to exclude intruders;

21 2. "Dam" means any barrier, including any appurtenant
22 structures, that is constructed for the purpose of permanently or
23 temporarily impounding water; and
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1 3. "Unmanned aircraft" means an aircraft without occupants that
2 is flown by a pilot via a ground control system or autonomously
3 through use of an onboard computer and other additional equipment
4 necessary to operate the aircraft and includes unmanned aircraft
5 commonly called drones.

6 B. Except as provided in subsection C of this section, a person
7 shall not intentionally or knowingly:

8 1. Operate an unmanned aircraft over a critical infrastructure
9 facility if the unmanned aircraft is less than four hundred (400)
10 feet above ground level;

11 2. Allow an unmanned aircraft to make contact with a critical
12 infrastructure facility, including any person or object on the
13 premises of or within the facility; or

14 3. Allow an unmanned aircraft to come within a distance of a
15 critical infrastructure facility that is close enough to interfere
16 with the operations of or cause a disturbance to the facility.

17 C. This section shall not apply to conduct committed by:

18 1. The federal government, the state or a political subdivision
19 of the state;

20 2. A person under contract with or otherwise acting under the
21 direction or on behalf of the federal government, the state or a
22 political subdivision of the state;

23 3. A law enforcement agency;

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1 4. A person under contract with or otherwise acting under the
2 direction or on behalf of a law enforcement agency;

3 5. An owner or operator of the critical infrastructure
4 facility;

5 6. A person under contract with or otherwise acting under the
6 direction or on behalf of an owner or operator of the critical
7 infrastructure facility;

8 7. A person who has the prior written consent of the owner or
9 operator of the critical infrastructure facility; or

10 8. The owner or occupant of the property on which the critical
11 infrastructure facility is located or a person who has the prior
12 written consent of the owner or occupant of that property; ~~or~~

13 ~~9. An operator of an unmanned aircraft that is being used for a~~
14 ~~commercial purpose, if the operator is authorized by the Federal~~
15 ~~Aviation Administration to conduct operations over that airspace.~~

16 D. Any person in violation of this section may be civilly
17 liable for damages to the critical infrastructure facility to
18 include, but not be limited to, damage to property, the environment
19 or human health.

20 SECTION 2. This act shall become effective November 1, 2025.

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22 60-1-12806 JBH 02/20/25
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