

HOUSE BILL No. 2061

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

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

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

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

(b) Aggravated trespassing on a critical infrastructure facility is:
(1) Knowingly entering or remaining in:
(A) A critical infrastructure facility; or
(B) any property containing a critical infrastructure facility, if such property is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or is clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization; and

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

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

(d) Aggravated criminal damage to a critical infrastructure facility is knowingly damaging, destroying or tampering with a critical infrastructure facility with the intent to impede or inhibit operations of the facility.

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

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

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

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

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

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

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

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

(1) Petroleum or alumina refinery;
(2) electric generation facility, substation, switching station, electrical control center, electric distribution or transmission lines, or associated equipment infrastructure;
(3) chemical, polymer or rubber manufacturing facility;
(4) water supply diversion, production, treatment, storage or

distribution facility and appurtenances, including, but not limited to, underground pipelines and a wastewater treatment plant or pump station;

- (5) natural gas compressor station;
- (6) liquid natural gas or propane terminal or storage facility;
- (7) facility *or any aboveground or belowground line, cable or wire* that is used for wireline, broadband or wireless telecommunications or video services infrastructure, including:
 - (A) Backup power supplies; ~~and~~
 - (B) cable television headend;
 - (C) *antennas, radio transceivers, towers, wireless support structures, small cell facilities and any associated support structures and accessory equipment; and*
 - (D) *related equipment buildings, cabinets and storage sheds, shelters or similar structures;*
- (8) port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility;
- (9) gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas, propane or natural gas liquids;
- (10) transmission facility used by a federally licensed radio or television station;
- (11) steelmaking facility that uses an electric arc furnace to make steel;
- (12) facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program, a facility operated by the office of laboratory services under the supervision of the secretary of health and environment pursuant to K.S.A. 75-5608, and amendments thereto, the national bio and agro-defense facility or the biosecurity research institute at Kansas state university;
- (13) dam that is regulated by the state as a hazard class B or C dam or by the federal government;
- (14) natural gas distribution utility facility or natural gas transmission facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, belowground or aboveground piping, a regular station or a natural gas storage facility;
- (15) crude oil, including y-grade or natural gas liquids, or refined products storage and distribution facility, including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, belowground or aboveground pipeline or piping and truck loading or offloading facility; or
- (16) portion of any belowground or aboveground oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or any other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

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

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

I hereby certify that the above BILL originated in the House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.