

ENROLLED ACT NO. 65, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

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

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

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

6-3-205. Impeding critical infrastructure.

(a) A person is guilty of impeding critical infrastructure if he intentionally or knowingly impedes the operations of a critical infrastructure facility, including by damaging, destroying, defacing or tampering with the equipment of a facility which cumulatively results in damage of less than one thousand dollars (\$1,000.00). A person violating this subsection is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than one thousand dollars (\$1,000.00), or both.

(b) A person is guilty of damaging critical infrastructure if he intentionally or knowingly damages, destroys, defaces or tampers with the equipment of a critical infrastructure facility, cumulatively resulting in damage of one thousand dollars (\$1,000.00) or more. A person violating this subsection is guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(c) An organization that aids, abets, solicits, compensates, conspires, commands or procures a person to

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commit the crime of impeding critical infrastructure or damaging critical infrastructure is subject to a fine not to exceed one hundred thousand dollars (\$100,000.00). An organization is subject to civil liability for violating this subsection and a critical infrastructure facility may recover actual and consequential damages relating to the violation, whether or not any fine is imposed pursuant to this subsection.

(d) Nothing in this section shall be construed to apply to public demonstrations or other expressions of free speech and association protected under the United States and Wyoming constitutions, but only to the extent that such activity constitutes protected speech under the Wyoming and United States constitutions.

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

(i) Owns or legally occupies the land upon which the facility is located while engaged in conduct not inconsistent with the operation of the critical infrastructure facility, or as otherwise authorized by an agreement; or

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

(f) As used in this section:

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

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(ii) "Impedes" means to block or prevent legal access to, and operation of, a facility or structure in a manner not authorized by law;

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

(iv) "Tamper or tampering" includes to pollute, poison or change the chemical characteristic of any contained liquid or gas within a storage reservoir, tank or pipeline.

(g) This section shall not apply to actions arising out of a bona fide dispute about access to land that grows out of an existing contract.

6-3-308. Critical infrastructure trespass.

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

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

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

(iii) Fencing or other physical barriers designed to exclude intruders.

(b) Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year,

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a fine of not more than one thousand dollars (\$1,000.00), or both.

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

(i) Owns or legally occupies the land upon which the facility is located while engaged in conduct not inconsistent with the operation of the critical infrastructure facility, or as otherwise authorized by an agreement; or

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

(d) As used in this section:

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

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

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

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

6-1-104. Definitions.

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

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(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;

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

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

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

(V) A natural gas compressor station;

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

(VII) A telecommunications central switching office;

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

(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;

(XV) A natural gas distribution utility facility, including transmission facilities,

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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

(XX) A large water diversion structure or large water transmission infrastructure.

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

ORIGINAL SENATE
FILE NO. SF0074

ENGROSSED

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Section 3. This act is effective July 1, 2018.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk