

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 652 Session of 2017

INTRODUCED BY REGAN, MARTIN, SCARNATI, RESCHENTHALER, RAFFERTY, YAW, HUTCHINSON, YUDICHAK, STEFANO AND BARTOLOTTA, APRIL 25, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 19, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in burglary and other criminal
3 intrusion, further providing for the offense of criminal
4 trespass.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3503 of Title 18 of the Pennsylvania <--
8 Consolidated Statutes is amended by adding a subsection to read:

9 SECTION 1. SECTION 3503(D) OF TITLE 18 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING A SUBSECTION TO READ:

12 § 3503. Criminal trespass.

13 * * *

14 (b.4) Critical infrastructure facility trespasser.--

15 (1) A person commits an offense if the person does any
16 of the following:

17 (i) Enters or attempts to enter PROPERTY CONTAINING <--
18 a critical infrastructure facility, knowing that the

1 person is not licensed or ~~privileged~~ DOES NOT HAVE THE <--
2 PERMISSION OF THE OWNER OR LAWFUL OCCUPANT OF THE
3 PROPERTY to do so.

4 (ii) Enters PROPERTY CONTAINING a critical <--
5 infrastructure facility with the intent to willfully
6 damage, destroy, vandalize, deface, tamper with equipment
7 or impede or inhibit operations of the facility.

8 (iii) Remains in a critical infrastructure facility
9 and defies an order to leave that has been communicated
10 to the person by the owner of the property or other
11 lawful occupant thereof.

12 (iv) Conspires with another person to commit a
13 prohibited act under subparagraph (i), (ii) or (iii).

14 (2) It is a defense to prosecution under paragraph (1)
15 (i) that:

16 (i) entry is made BY AN EMERGENCY SERVICES PROVIDER <--
17 in response to a condition within the critical
18 infrastructure facility that the ~~person~~ EMERGENCY <--
19 SERVICES PROVIDER reasonably believes to be a serious
20 threat to public health or safety as necessitating
21 immediate entry to the critical infrastructure facility;
22 or

23 (ii) entry is made under exigent circumstances by a
24 law enforcement officer to:

25 (A) pursue and apprehend a suspect of criminal
26 conduct reasonably believed by the officer to be
27 present within the critical infrastructure facility;
28 or

29 (B) prevent the destruction of evidence of
30 criminal conduct reasonably believed by the officer

1 to be located within the critical infrastructure
2 facility.

3 (3) An A FIRST offense under this subsection shall be <--
4 graded as follows:

5 (i) An EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), AN <--
6 offense under paragraph (1)(i) constitutes a felony of
7 the second degree and is punishable by imprisonment for a <--
8 term of not more than one year and a fine of not less
9 than \$5,000. THIRD DEGREE. <--

10 (II) AN OFFENSE UNDER PARAGRAPH (1)(I) BY AN
11 INDIVIDUAL UNDER 18 YEARS OF AGE CONSTITUTES A
12 MISDEMEANOR OF THE THIRD DEGREE.

13 ~~(ii) An (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH~~ <--
14 ~~(IV), AN offense under paragraph (1)(ii), (iii) or (iv)~~
15 ~~constitutes a felony of the first~~ SECOND degree and is <--
16 ~~punishable by imprisonment for a term of not more than~~
17 ~~two years~~ ONE YEAR and a fine of not less than \$10,000 <--
18 ~~\$5,000.~~ <--

19 ~~(4) For purposes of this subsection, the term "critical~~ <--
20 ~~infrastructure facility" shall mean any of the following, if~~
21 ~~completely enclosed by a fence or other physical barrier that~~
22 ~~is obviously designated to exclude intruders or if clearly~~
23 ~~marked with a sign or signs posted on the property that are~~
24 ~~reasonably likely to come to the attention of intruders and~~
25 ~~indicate that entry is forbidden without site authorization:~~

26 ~~(i) A petroleum or alumina refinery.~~

27 ~~(ii) An electrical power generating facility,~~
28 ~~substation, switching station, electrical control center~~
29 ~~or electrical power lines and associated equipment~~
30 ~~infrastructure.~~

1 ~~(iii) A chemical, polymer or rubber manufacturing~~
2 ~~facility.~~

3 ~~(iv) A water intake structure, water treatment~~
4 ~~facility, wastewater treatment plant or pump station.~~

5 ~~(v) A natural gas compressor station.~~

6 ~~(vi) A liquid natural gas terminal or storage~~
7 ~~facility.~~

8 ~~(vii) A telecommunication central switching office.~~

9 ~~(viii) Wireless telecommunications infrastructure,~~
10 ~~including cell towers, telephone poles and lines,~~
11 ~~including fiber optic lines.~~

12 ~~(ix) A port, railroad switching yard, railroad~~
13 ~~tracks, trucking terminal or other freight transportation~~
14 ~~facility.~~

15 ~~(x) A gas processing plant, including a plant used~~
16 ~~in the processing, treatment or fractionation of natural~~
17 ~~gas or natural gas liquids.~~

18 ~~(xi) A transmission facility used by a federally~~
19 ~~licensed radio or television station.~~

20 ~~(xii) A steelmaking facility that uses an electric~~
21 ~~arc furnace to make steel.~~

22 ~~(xiii) A facility identified and regulated by the~~
23 ~~Department of Homeland Security Chemical Facility Anti-~~
24 ~~Terrorism Standards (CFATS) program.~~

25 ~~(xiv) A dam that is regulated by the Federal or~~
26 ~~State government.~~

27 ~~(xv) A natural gas distribution utility facility,~~
28 ~~including, but not limited to, pipeline interconnection,~~
29 ~~a city gate or town border station, metering station,~~
30 ~~aboveground piping, a regulator station and a natural gas~~

1 storage facility.

2 ~~(xvi) A crude oil or refined products storage and~~
3 ~~distribution facility, including, but not limited to,~~
4 ~~valve site, pipeline interconnection, pump station,~~
5 ~~metering station, belowground or aboveground pipeline or~~
6 ~~pipng and truck loading or offloading facility.~~

7 ~~(xvii) An aboveground portion of an oil, gas,~~
8 ~~hazardous liquid or chemical pipeline, tank or railroad~~
9 ~~facility.~~

10 (IV) AN OFFENSE UNDER PARAGRAPH (1) (II), (III) OR <--
11 (IV) BY AN INDIVIDUAL UNDER 18 YEARS OF AGE CONSTITUTES A
12 MISDEMEANOR OF THE SECOND DEGREE.

13 (4) A SECOND OR SUBSEQUENT OFFENSE UNDER THIS SUBSECTION
14 SHALL BE GRADED AS FOLLOWS:

15 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), AN
16 OFFENSE UNDER PARAGRAPH (1) (I) CONSTITUTES A FELONY OF
17 THE SECOND DEGREE AND IS PUNISHABLE BY IMPRISONMENT FOR A
18 TERM OF NOT MORE THAN ONE YEAR AND A FINE OF NOT LESS
19 THAN \$5,000.

20 (II) AN OFFENSE UNDER PARAGRAPH (1) (I) BY AN
21 INDIVIDUAL UNDER 18 YEARS OF AGE CONSTITUTES A
22 MISDEMEANOR OF THE SECOND DEGREE.

23 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV), AN
24 OFFENSE UNDER PARAGRAPH (1) (II), (III) OR (IV)
25 CONSTITUTES A FELONY OF THE FIRST DEGREE AND IS
26 PUNISHABLE BY IMPRISONMENT FOR A TERM OF NOT MORE THAN
27 TWO YEARS AND A FINE OF NOT LESS THAN \$10,000.

28 (IV) AN OFFENSE UNDER PARAGRAPH (1) (II), (III) OR
29 (IV) BY AN INDIVIDUAL UNDER 18 YEARS OF AGE CONSTITUTES A
30 MISDEMEANOR OF THE FIRST DEGREE.

1 * * *

2 (D) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL <--
3 GROUNDS" MEANS ANY BUILDING OF OR GROUNDS OF ANY ELEMENTARY OR
4 SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION, ANY
5 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
6 DEPARTMENT OF EDUCATION, ANY ELEMENTARY OR SECONDARY PAROCHIAL
7 SCHOOL, ANY CERTIFIED DAY-CARE CENTER OR ANY LICENSED PRESCHOOL
8 PROGRAM.] DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

11 "CRITICAL INFRASTRUCTURE FACILITY." ANY OF THE FOLLOWING,
12 WHETHER CONSTRUCTED OR UNDER CONSTRUCTION, IF COMPLETELY
13 ENCLOSED BY A FENCE OR OTHER PHYSICAL BARRIER THAT IS OBVIOUSLY
14 DESIGNATED TO EXCLUDE INTRUDERS OR IF CLEARLY MARKED WITH A SIGN
15 OR SIGNS POSTED ON THE PROPERTY THAT ARE REASONABLY LIKELY TO
16 COME TO THE ATTENTION OF INTRUDERS AND INDICATE THAT ENTRY IS
17 FORBIDDEN WITHOUT SITE AUTHORIZATION IF NOTICE REQUIREMENTS ARE
18 NOT NECESSARY DURING OBVIOUS AND APPARENT CONSTRUCTION OR FOR A
19 PIPELINE TO THE EXTENT THAT IT IS MARKED BY A PIPELINE MARKER:

20 (1) A PETROLEUM OR ALUMINA REFINERY.

21 (2) AN ELECTRICAL POWER GENERATING FACILITY, SUBSTATION,
22 SWITCHING STATION, ELECTRICAL CONTROL CENTER OR ELECTRICAL
23 POWER LINES AND ASSOCIATED EQUIPMENT INFRASTRUCTURE.

24 (3) A CHEMICAL, POLYMER OR RUBBER MANUFACTURING
25 FACILITY.

26 (4) A WATER INTAKE STRUCTURE, WATER TREATMENT AND
27 DISTRIBUTION INFRASTRUCTURE OR WASTEWATER TREATMENT AND
28 COLLECTION INFRASTRUCTURE.

29 (5) A NATURAL GAS COMPRESSOR STATION.

30 (6) A LIQUID NATURAL GAS TERMINAL OR STORAGE FACILITY.

1 (7) A TELECOMMUNICATION CENTRAL SWITCHING OFFICE, REMOTE
2 TERMINAL OR ANY OTHER EQUIPMENT IN A SECURE ENCLOSURE USED TO
3 PROVIDE TELECOMMUNICATIONS SERVICES.

4 (8) WIRELESS AND WIRELINE TELECOMMUNICATIONS
5 INFRASTRUCTURE, INCLUDING CELL TOWERS, SMALL WIRELESS
6 FACILITIES, MICROWAVE POLES AND LINES, INCLUDING COPPER AND
7 FIBER OPTIC LINES AND UNDERGROUND CONDUIT FOR
8 TELECOMMUNICATIONS SERVICES.

9 (9) A PORT, RAILROAD SWITCHING YARD, RAILROAD TRACKS,
10 TRUCKING TERMINAL OR OTHER FREIGHT TRANSPORTATION FACILITY.

11 (10) A GAS PROCESSING PLANT, INCLUDING A PLANT USED IN
12 THE PROCESSING, TREATMENT OR FRACTIONATION OF NATURAL GAS OR
13 NATURAL GAS LIQUIDS.

14 (11) A TRANSMISSION FACILITY USED BY A FEDERALLY
15 LICENSED RADIO OR TELEVISION STATION.

16 (12) A STEELMAKING FACILITY THAT USES AN ELECTRIC ARC
17 FURNACE TO MAKE STEEL.

18 (13) A FACILITY IDENTIFIED AND REGULATED BY THE
19 DEPARTMENT OF HOMELAND SECURITY CHEMICAL FACILITY ANTI-
20 TERRORISM STANDARDS (CFATS) PROGRAM.

21 (14) A DAM THAT IS REGULATED BY THE FEDERAL OR STATE
22 GOVERNMENT.

23 (15) A NATURAL GAS TRANSMISSION OR DISTRIBUTION UTILITY
24 FACILITY, INCLUDING, BUT NOT LIMITED TO, PIPELINE
25 INTERCONNECTION, A CITY GATE OR TOWN BORDER STATION, METERING
26 STATION, ABOVEGROUND PIPING, A REGULATOR STATION AND A
27 NATURAL GAS STORAGE FACILITY.

28 (16) A CRUDE OIL OR REFINED PRODUCTS STORAGE AND
29 DISTRIBUTION FACILITY, INCLUDING, BUT NOT LIMITED TO, A VALVE
30 SITE, PIPELINE INTERCONNECTION, PUMP STATION, METERING

1 STATION, BELOWGROUND OR ABOVEGROUND PIPELINE OR PIPING AND
2 TRUCK LOADING OR OFFLOADING FACILITY.

3 (17) AN ABOVEGROUND PORTION OF AN OIL, GAS, HAZARDOUS
4 LIQUID OR CHEMICAL PIPELINE, TANK OR RAILROAD FACILITY OR
5 OTHER RELATED STORAGE FACILITY.

6 (18) OIL AND GAS PRODUCTION FACILITIES, INCLUDING, BUT
7 NOT LIMITED TO, WELL SITES, SEPARATION AND DEHYDRATION
8 FACILITIES, PRODUCED STORAGE AND METER STATIONS.

9 (19) PIPELINES USED TO TRANSPORT NATURAL GAS, OIL OR
10 REFINED PRODUCTS, WHETHER BURIED OR ABOVE GROUND.

11 (20) EQUIPMENT AND MACHINERY, REGARDLESS OF WHETHER
12 STORED ON LOCATION OR AT A STORAGE YARD, TO THE EXTENT THAT
13 IT IS USED TO CONSTRUCT A CRITICAL INFRASTRUCTURE FACILITY.

14 (21) AN ENERGY FACILITY AS DEFINED IN 18 U.S.C. §
15 1366(C) (RELATING TO DESTRUCTION OF AN ENERGY FACILITY).

16 "EMERGENCY SERVICES PROVIDER." AN EMERGENCY MEDICAL
17 RESPONDER, EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY
18 MEDICAL TECHNICIAN OR A PARAMEDIC AS DEFINED IN 35 PA.C.S. §
19 8103 (RELATING TO DEFINITIONS).

20 "SCHOOL GROUNDS." THE BUILDING OR GROUNDS OF AN ELEMENTARY
21 OR SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION, AN
22 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
23 DEPARTMENT OF EDUCATION, AN ELEMENTARY OR SECONDARY PAROCHIAL
24 SCHOOL, A CERTIFIED DAY-CARE CENTER OR A LICENSED PRESCHOOL
25 PROGRAM.

26 Section 2. This act shall take effect in 60 days.