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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 652 Session of  
2017

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

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REFERRED TO JUDICIARY, APRIL 25, 2017

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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 § 3503. Criminal trespass.

10 \* \* \*

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

12 (1) A person commits an offense if the person does any  
13 of the following:

14 (i) Enters or attempts to enter a critical  
15 infrastructure facility, knowing that the person is not  
16 licensed or privileged to do so.

17 (ii) Enters a critical infrastructure facility with  
18 the intent to willfully damage, destroy, vandalize,  
19 deface, tamper with equipment or impede or inhibit

1 operations of the facility.

2 (iii) Remains in a critical infrastructure facility  
3 and defies an order to leave that has been communicated  
4 to the person by the owner of the property or other  
5 lawful occupant thereof.

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

8 (2) It is a defense to prosecution under paragraph (1)  
9 (i) that:

10 (i) entry is made in response to a condition within  
11 the critical infrastructure facility that the person  
12 reasonably believes to be a serious threat to public  
13 health or safety as necessitating immediate entry to the  
14 critical infrastructure facility; or

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

17 (A) pursue and apprehend a suspect of criminal  
18 conduct reasonably believed by the officer to be  
19 present within the critical infrastructure facility;  
20 or

21 (B) prevent the destruction of evidence of  
22 criminal conduct reasonably believed by the officer  
23 to be located within the critical infrastructure  
24 facility.

25 (3) An offense under this subsection shall be graded as  
26 follows:

27 (i) An offense under paragraph (1)(i) constitutes a  
28 felony of the second degree and is punishable by  
29 imprisonment for a term of not more than one year and a  
30 fine of not less than \$5,000.

1           (ii) An offense under paragraph (1)(ii), (iii) or  
2           (iv) constitutes a felony of the first degree and is  
3           punishable by imprisonment for a term of not more than  
4           two years and a fine of not less than \$10,000.

5           (4) For purposes of this subsection, the term "critical  
6           infrastructure facility" shall mean any of the following, if  
7           completely enclosed by a fence or other physical barrier that  
8           is obviously designated to exclude intruders or if clearly  
9           marked with a sign or signs posted on the property that are  
10           reasonably likely to come to the attention of intruders and  
11           indicate that entry is forbidden without site authorization:

12           (i) A petroleum or alumina refinery.

13           (ii) An electrical power generating facility,  
14           substation, switching station, electrical control center  
15           or electrical power lines and associated equipment  
16           infrastructure.

17           (iii) A chemical, polymer or rubber manufacturing  
18           facility.

19           (iv) A water intake structure, water treatment  
20           facility, wastewater treatment plant or pump station.

21           (v) A natural gas compressor station.

22           (vi) A liquid natural gas terminal or storage  
23           facility.

24           (vii) A telecommunication central switching office.

25           (viii) Wireless telecommunications infrastructure,  
26           including cell towers, telephone poles and lines,  
27           including fiber optic lines.

28           (ix) A port, railroad switching yard, railroad  
29           tracks, trucking terminal or other freight transportation  
30           facility.

1           (x) A gas processing plant, including a plant used  
2 in the processing, treatment or fractionation of natural  
3 gas or natural gas liquids.

4           (xi) A transmission facility used by a federally  
5 licensed radio or television station.

6           (xii) A steelmaking facility that uses an electric  
7 arc furnace to make steel.

8           (xiii) A facility identified and regulated by the  
9 Department of Homeland Security Chemical Facility Anti-  
10 Terrorism Standards (CFATS) program.

11           (xiv) A dam that is regulated by the Federal or  
12 State government.

13           (xv) A natural gas distribution utility facility,  
14 including, but not limited to, pipeline interconnection,  
15 a city gate or town border station, metering station,  
16 aboveground piping, a regulator station and a natural gas  
17 storage facility.

18           (xvi) A crude oil or refined products storage and  
19 distribution facility, including, but not limited to,  
20 valve site, pipeline interconnection, pump station,  
21 metering station, belowground or aboveground pipeline or  
22 piping and truck loading or offloading facility.

23           (xvii) An aboveground portion of an oil, gas,  
24 hazardous liquid or chemical pipeline, tank or railroad  
25 facility.

26 \* \* \*

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