

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 652 Session of 2017

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

AS AMENDED ON THIRD CONSIDERATION, MAY 22, 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(d) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 3503. Criminal trespass.

11 * * *

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

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

15 (i) Enters or attempts to enter property containing
16 a critical infrastructure facility, knowing that the
17 person is not licensed or does not have the permission of
18 the owner or lawful occupant of the property to do so.

1 (ii) Enters property containing a critical
2 infrastructure facility with the intent to willfully
3 damage, destroy, vandalize, deface, tamper with equipment
4 or impede or inhibit operations of the facility.

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

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

11 (2) It is a defense to prosecution under paragraph (1)
12 (i) that:

13 (i) entry is made by an emergency services provider
14 in response to a condition within the critical
15 infrastructure facility that the emergency services
16 provider reasonably believes to be a serious threat to
17 public health or safety as necessitating immediate entry
18 to the critical infrastructure facility; or

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

21 (A) pursue and apprehend a suspect of criminal
22 conduct reasonably believed by the officer to be
23 present within the critical infrastructure facility;
24 or

25 (B) prevent the destruction of evidence of
26 criminal conduct reasonably believed by the officer
27 to be located within the critical infrastructure
28 facility.

29 (3) A first offense under this subsection shall be
30 graded as follows:

1 (i) Except as provided in subparagraph (ii), an
2 offense under paragraph (1)(i) constitutes a felony of
3 the third degree AND IS PUNISHABLE BY IMPRISONMENT FOR A <--
4 TERM OF NOT MORE THAN ONE YEAR AND A FINE OF NOT LESS
5 THAN \$5,000.

6 (ii) An offense under paragraph (1)(i) by an
7 individual under 18 years of age constitutes a
8 misdemeanor of the third degree.

9 (iii) Except as provided in subparagraph (iv), an
10 offense under paragraph (1)(ii), (iii) or (iv)
11 constitutes a felony of the second degree and is
12 punishable by imprisonment for a term of not more than
13 one year and a fine of not less than \$5,000.

14 (iv) An offense under paragraph (1)(ii), (iii) or
15 (iv) by an individual under 18 years of age constitutes a
16 misdemeanor of the second degree.

17 (4) A second or subsequent offense under this subsection
18 shall be graded as follows:

19 (i) Except as provided in subparagraph (ii), an
20 offense under paragraph (1)(i) constitutes a felony of
21 the second degree and is punishable by imprisonment for a
22 term of not more than one year and a fine of not less
23 than \$5,000.

24 (ii) An offense under paragraph (1)(i) by an
25 individual under 18 years of age constitutes a
26 misdemeanor of the second degree.

27 (iii) Except as provided in subparagraph (iv), an
28 offense under paragraph (1)(ii), (iii) or (iv)
29 constitutes a felony of the first degree and is
30 punishable by imprisonment for a term of not more than

1 two years and a fine of not less than \$10,000.

2 (iv) An offense under paragraph (1)(ii), (iii) or
3 (iv) by an individual under 18 years of age constitutes a
4 misdemeanor of the first degree.

5 * * *

6 (d) [Definition.--As used in this section, the term "school
7 grounds" means any building of or grounds of any elementary or
8 secondary publicly funded educational institution, any
9 elementary or secondary private school licensed by the
10 Department of Education, any elementary or secondary parochial
11 school, any certified day-care center or any licensed preschool
12 program.] Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection unless the context clearly indicates otherwise:

15 "Critical infrastructure facility." Any of the following,
16 whether constructed or under construction, if completely
17 enclosed by a fence or other physical barrier that is obviously
18 designated to exclude intruders or if clearly marked with a sign
19 or signs posted on the property that are reasonably likely to
20 come to the attention of intruders and indicate that entry is
21 forbidden without site authorization if notice requirements are
22 not necessary during obvious and apparent construction or for a
23 pipeline to the extent that it is marked by a pipeline marker:

24 (1) A petroleum or alumina refinery.

25 (2) An electrical power generating facility, substation,
26 switching station, electrical control center or electrical
27 power lines and associated equipment infrastructure.

28 (3) A chemical, polymer or rubber manufacturing
29 facility.

30 (4) A water intake structure, water treatment and

1 distribution infrastructure or wastewater treatment and
2 collection infrastructure.

3 (5) A natural gas PIPELINE compressor station OR A <--
4 LIQUIDS PIPELINE PUMPING STATION.

5 (6) A liquid natural gas terminal or storage facility.

6 (7) A telecommunication central switching office, remote
7 terminal or any other equipment in a secure enclosure used to
8 provide telecommunications services.

9 (8) Wireless and wireline telecommunications
10 infrastructure, including cell towers, small wireless
11 facilities, microwave, poles and lines, including copper and
12 fiber optic lines and underground conduit for
13 telecommunications services.

14 (9) A port, railroad switching yard, railroad tracks,
15 trucking terminal or other freight transportation facility.

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

19 (11) A transmission facility used by a federally
20 licensed radio or television station.

21 (12) A steelmaking facility that uses an electric arc
22 furnace to make steel.

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

26 (14) A dam that is regulated by the Federal or State
27 government.

28 (15) A natural gas transmission or distribution utility
29 facility, including, but not limited to, pipeline
30 interconnection, a city gate or town border station, metering

1 station, aboveground piping, a regulator station and a
2 natural gas storage facility.

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

8 (17) ~~An aboveground portion of an A NATURAL GAS, oil,~~ <--
9 gas, hazardous liquid or chemical pipeline, tank or railroad
10 facility or other related storage facility.

11 (18) Oil and gas production facilities, including, but
12 not limited to, well sites, separation and dehydration
13 facilities, produced storage and meter stations.

14 (19) Pipelines used to transport natural gas, oil or
15 refined products, whether buried or above ground.

16 (20) Equipment and machinery, regardless of whether
17 stored on location or at a storage yard, to the extent that
18 it is used to construct a critical infrastructure facility.

19 (21) An energy facility as defined in 18 U.S.C. §
20 1366(c) (relating to destruction of an energy facility).

21 "Emergency services provider." An emergency medical
22 responder, emergency medical technician, advanced emergency
23 medical technician or a paramedic as defined in 35 Pa.C.S. §
24 8103 (relating to definitions).

25 "School grounds." The building or grounds of an elementary
26 or secondary publicly funded educational institution, an
27 elementary or secondary private school licensed by the
28 Department of Education, an elementary or secondary parochial
29 school, a certified day-care center or a licensed preschool
30 program.

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