

The Critical Infrastructure Protection Act (CIPA)

2017-18 Legislative Session



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Criminal Trespass Laws



Title 18 (“Crimes and Offenses”) § 3503 prescribes penalties for various types of **“criminal trespass”**



Current law fails to differentiate between trespass on everyday “buildings and occupied structures” and trespass on **“critical infrastructure facilities”** which keep our economy running and ensure public health & safety



Legislation is needed to **enhance penalties** for criminal trespass on “critical infrastructure facilities”

What Is A Critical Infrastructure Facility?

“[A]ny of the following, if completely enclosed by a fence or other physical barrier that is obviously designated to exclude intruders or if clearly marked with a sign... indicating entry is forbidden without site authorization”:

- Natural gas distribution facilities
- Natural gas compressor stations
- LNG terminals & storage facilities
- Crude oil or refined product storage & distribution facilities
- Aboveground oil, gas, hazardous liquid or chemical pipelines
- Gas processing plants
- Petroleum or alumina refineries
- Electrical power generating facilities
- Electrical control centers
- Electrical power lines
- Water intake structures & treatment facilities
- Wireless telecommunications infrastructure (central switching offices, cell towers, telephone poles and lines)
- Assorted freight transportation facilities
- Federally-licensed radio and TV facilities
- Steelmaking facilities using electric arc furnaces
- Chemical, polymer, or rubber manufacturing facilities
- Facilities regulated by the Department of Homeland Security Anti-Terrorism Standards (CFATS) program
- Dams regulated by federal and state governments

Prohibited Acts Under CIPA & Upgraded Penalties

Prohibited Act	Grading	Criminal Penalty	Financial Penalty
Entering a critical infrastructure facility without being licensed or privileged to do so.	2 nd Degree Felony	Imprisonment up to one year	Minimum \$5,000 fine
Entering a critical infrastructure facility with the intent to willfully damage, destroy, vandalize, deface, tamper with equipment or impede/inhibit operations of the facility	1 st Degree Felony	Imprisonment up to two years	Minimum \$10,000 fine
Remaining in a critical infrastructure facility and defying an order to leave	1 st Degree Felony	Imprisonment up to two years	Minimum \$10,000 fine
Conspiring with another person to commit a prohibited act	1 st Degree Felony	Imprisonment up to two years	Minimum \$10,000 fine

Good Faith Exemptions

CIPA includes good-faith exemptions for:



Civilians who enter critical infrastructure facilities to protect public health and safety



Law enforcement officers pursuing criminal suspects or collecting evidence