AN ACT

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

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

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

§ 3503. Criminal trespass.

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

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

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

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

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

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

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

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

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

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

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

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

(i) An offense under paragraph (1)(i) constitutes a felony of the second degree and is punishable by imprisonment for a term of not more than one year and a fine of not less than $5,000.
(ii) An offense under paragraph (1)(ii), (iii) or (iv) constitutes a felony of the first degree and is punishable by imprisonment for a term of not more than two years and a fine of not less than $10,000.

(4) For purposes of this subsection, the term "critical infrastructure facility" shall mean any 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 or signs posted on the property 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 electrical 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.

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

(vii) A telecommunication central switching office.

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

(ix) A port, railroad switching yard, railroad tracks, 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 Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program.

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

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

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

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

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