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(d) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section 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 property containing a critical infrastructure facility, knowing that the person is not licensed or does not have the permission of the owner or lawful occupant of the property to do so.

(ii) Enters property containing 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 by an emergency services provider
in response to a condition within the critical
infrastructure facility that the emergency services
provider 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) A first offense under this subsection shall be
graded as follows:

(i) Except as provided in subparagraph (ii), an
offense under paragraph (1)(i) constitutes a felony of
the third 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)(i) by an
individual under 18 years of age constitutes a
misdemeanor of the third degree.

(iii) Except as provided in subparagraph (iv), an
offense under paragraph (1)(ii), (iii) or (iv)
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.

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

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

(i) Except as provided in subparagraph (ii), 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)(i) by an
individual under 18 years of age constitutes a
misdemeanor of the second degree.

(iii) Except as provided in subparagraph (iv), 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.
(iv) An offense under paragraph (1)(ii), (iii) or (iv) by an individual under 18 years of age constitutes a misdemeanor of the first degree.

* * *

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

"Critical infrastructure facility." Any of the following, whether constructed or under construction, 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 if notice requirements are not necessary during obvious and apparent construction or for a pipeline to the extent that it is marked by a pipeline marker:

(1) A petroleum or alumina refinery.

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

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

(4) A water intake structure, water treatment and distribution infrastructure or wastewater treatment and
collection infrastructure.

(5) A natural gas pipeline compressor station or a liquids pipeline pumping station.

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

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

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

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

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

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

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

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

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

(15) A natural gas transmission or 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.

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

(17) A natural gas, oil, gas, hazardous liquid or
chemical pipeline, tank or railroad facility or other related
storage facility.

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

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

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

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

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

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

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