The Critical Infrastructure Protection Act (CIPA)
2017-18 Legislative Session

SENATOR MIKE REGAN
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 faculties
- 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

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