

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 819 Session of 2023

INTRODUCED BY YAW, LANGERHOLC, DUSH, MARTIN, VOGEL, AUMENT,
REGAN AND J. WARD, JUNE 20, 2023

REFERRED TO JUDICIARY, JUNE 20, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in burglary and other criminal
3 intrusion, providing for offenses relating to critical
4 infrastructure facilities; and imposing penalties.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 3506. Offenses relating to critical infrastructure
10 facilities.

11 (a) Trespass.--

12 (1) A person commits a misdemeanor of the third degree
13 if the person willfully and knowingly trespasses or enters
14 property containing a critical infrastructure facility
15 without permission by the owner of the property or lawful
16 occupant.

17 (2) A person convicted of violating paragraph (1) shall
18 be sentenced to pay a fine of not less than \$500 or to
19 imprisonment for not less than 30 days nor more than one

1 year, or both.

2 (3) Notwithstanding section 903 (relating to criminal
3 conspiracy), a person commits a misdemeanor of the third
4 degree if the person conspires with another person to commit
5 the offense of trespass against a critical infrastructure
6 facility in violation of this section.

7 (4) Notwithstanding section 905 (relating to grading of
8 criminal attempt, solicitation and conspiracy), a person
9 convicted of violating paragraph (3) shall be sentenced to
10 pay a fine of not less than \$5,000.

11 (5) A person commits a felony of the third degree if the
12 person willfully and knowingly trespasses or enters property
13 containing a critical infrastructure facility without
14 permission by the owner of the property or lawful occupant
15 with the intent to willfully damage, destroy, vandalize,
16 deface, tamper with equipment or impede or inhibit operations
17 of the critical infrastructure facility.

18 (6) A person convicted of violating paragraph (5) shall
19 be sentenced to pay a fine of not less than \$1,000 or to
20 imprisonment in a State correctional facility for not less
21 than one year nor more than three years, or both.

22 (b) Vandalism.--

23 (1) A person commits a felony of the third degree if the
24 person:

25 (i) willfully damages, destroys, vandalizes, defaces
26 or tampers with equipment in a critical infrastructure
27 facility; or

28 (ii) notwithstanding section 903, conspires with
29 another person to willfully damage, destroy, vandalize,
30 deface or tamper with equipment in a critical

1 infrastructure facility.

2 (2) Grading for offenses under paragraph (1) shall be as
3 follows:

4 (i) A person convicted of violating paragraph (1) (i)
5 shall be sentenced to pay a fine of not less than \$2,000
6 or to imprisonment in a State correctional facility for
7 not less than one year nor more than five years, or both.

8 (ii) Notwithstanding section 905, a person convicted
9 of violating paragraph (1) (ii) shall be sentenced to pay
10 a fine of not less than \$10,000.

11 (c) Civil liability.--An owner of a critical infrastructure
12 facility may file a cause of action in a court of competent
13 jurisdiction against a person who is arrested for or convicted
14 of an offense under this section for damages to personal or real
15 property, including damages to pipeline construction and pigging
16 stations.

17 (d) Definition.--As used in this section, the term "critical
18 infrastructure facility" means systems and assets, whether
19 physical or virtual, so vital to the United States or the
20 Commonwealth that the incapacity or destruction of the systems
21 and assets would have a debilitating impact on security,
22 national economic security, State economic security, national
23 public health or safety, State public health or safety or any
24 combination of those matters, whether the systems or assets are
25 in operation or are under construction. The term includes the
26 following, if completely enclosed by a fence or other physical
27 barrier that is obviously designed to exclude intruders or if
28 clearly marked with a sign that is posted on the property that
29 are reasonably likely to come to the attention of intruders and
30 indicate that entry is forbidden without site authorization:

- 1 (1) A petroleum or alumina refinery.
- 2 (2) An electrical power generating facility, substation,
3 switching station, electrical control center or electric
4 power lines and associated equipment infrastructure.
- 5 (3) A chemical, polymer or rubber manufacturing
6 facility.
- 7 (4) A water intake structure, water treatment facility,
8 wastewater treatment plant or pump station.
- 9 (5) A natural gas compressor station.
- 10 (6) A liquid natural gas terminal or storage facility.
- 11 (7) Wireline and wireless telecommunications
12 infrastructure.
- 13 (8) A port, railroad switching yard, trucking terminal
14 or other freight transportation facility.
- 15 (9) A gas processing plant, including a plant used in
16 the processing, treatment or fractionation of natural gas or
17 natural gas liquids.
- 18 (10) A transmission facility used by a federally
19 licensed radio or television station.
- 20 (11) A steelmaking facility that uses an electric arc
21 furnace to make steel.
- 22 (12) A facility identified and regulated by the United
23 States Department of Homeland Security Chemical Facility
24 Anti-Terrorism Standards program.
- 25 (13) A dam that is regulated by the Federal or State
26 Government.
- 27 (14) A natural gas distribution utility facility,
28 including pipeline interconnections, a city gate or town
29 border station, metering station, below or above-ground
30 pipeline or piping and truck loading or offloading facility,

1 a natural gas storage facility, a natural gas transmission
2 facility or a natural gas utility distribution facility.

3 (15) A crude oil or refined products storage and
4 distribution facility, including valve sites, pipeline
5 interconnections, pump station, metering station, below or
6 above-ground pipeline or piping and truck loading or
7 offloading facility.

8 (16) An above-ground portion of an oil, gas, hazardous
9 liquid or chemical pipeline, tank or other storage facility.

10 (17) Natural gas well pads and production facilities.

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