

SECOND REGULAR SESSION

SENATE BILL NO. 903

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

4858S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 569.086, RSMo, and to enact in lieu thereof three new sections relating to telecommunications infrastructure, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 569.086, RSMo, is repealed and three
2 new sections enacted in lieu thereof, to be known as sections
3 569.086, 569.117, and 569.118, to read as follows:

569.086. 1. As used in this section, "critical
2 infrastructure facility" means any of the following
3 facilities that are under construction or operational: a
4 petroleum or alumina refinery; critical electric
5 infrastructure, as defined in 18 CFR Section 118.113(c) (3)
6 including, but not limited to, an electrical power
7 generating facility, substation, switching station,
8 electrical control center, or electric power lines and
9 associated equipment infrastructure; a chemical, polymer, or
10 rubber manufacturing facility; a water intake structure,
11 water storage facility, water treatment facility, wastewater
12 treatment plant, wastewater pumping facility, or pump
13 station; a natural gas compressor station; a liquid natural
14 gas terminal or storage facility; a telecommunications
15 central switching office; **wireline or** wireless
16 telecommunications **networks**, infrastructure **and facilities**,
17 including cell towers, telephone poles and lines, including

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; **[a] networks and facilities used in the** generation, transmission, or distribution **[system]** of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical

50 infrastructure facility without the permission of the owner
51 of the property or lawful occupant thereof. The offense of
52 trespass on a critical infrastructure facility is a class B
53 misdemeanor. If it is determined that the intent of the
54 trespasser is to damage, destroy, or tamper with equipment,
55 or impede or inhibit operations of the facility, the person
56 shall be guilty of a class A misdemeanor.

57 3. A person commits the offense of damage of a
58 critical infrastructure if he or she purposely damages,
59 destroys, or tampers with equipment in a critical
60 infrastructure facility. The offense of damage of a
61 critical infrastructure facility is a class D felony.

62 4. This section shall not apply to conduct protected
63 under the Constitution of the United States, the
64 Constitution of the state of Missouri, or a state or federal
65 law or rule.

**569.117. 1. A person commits the offense of trespass
2 on a critical infrastructure facility if he or she willfully
3 and maliciously damages, tampers with, or destroys any
4 critical infrastructure facility, as defined in section
5 569.086, or removes any component of the critical
6 infrastructure facility.**

7 2. Classifications of the offense under subsection 1
8 of this section are as follows:

9 (1) Class A misdemeanor if the damage is under seven
10 hundred and fifty dollars;

11 (2) Class E felony if the damage is seven hundred and
12 fifty dollars or more but less than twenty-five thousand
13 dollars; or

14 (3) Class D felony if the damage is twenty-five
15 thousand dollars or greater.

16 3. The value of damages under this section shall be
17 determined pursuant to the provisions of section 570.020.

18 4. If the damage to a critical infrastructure facility
19 causes interruption, impairment, or degradation of service,
20 the offense shall be a class C felony, regardless of value.

21 5. Any person, who commits violations under this
22 section, shall be required to make restitution and perform
23 community service, as follows:

24 (1) Restitution shall be made pursuant to the
25 provisions of section 559.105; and

26 (2) Community service shall be imposed as follows:

27 (a) One hundred hours for the first offense;

28 (b) Two hundred hours for the second offense; or

29 (c) Up to three hundred hours for the third or any
30 subsequent offense.

 569.118. 1. A person commits the offense of
2 unauthorized possession of regulated metals if he or she
3 knowingly possesses copper, brass, aluminum, fiber optic
4 cable, or any other metal used in telecommunications
5 infrastructure without proof of ownership or lawful
6 authority to possess such metals. For the purposes of this
7 section, "proof of ownership" includes, but is not limited
8 to, a bill of sale, receipt, or any other verifiable
9 documentation demonstrating lawful possession.

10 2. Penalties for any violation of provisions of this
11 section are as follows:

12 (1) Class E felony; or

13 (2) If the value of the damage to property or loss
14 caused by the offense under this section equals or exceeds
15 twenty-five thousand dollars, the offense shall be a class C
16 felony.

17 3. Nothing in this section shall be construed to
18 prohibit lawful recycling operations or operation of any
19 business engaged in the lawful purchase, sale, or processing
20 of regulated metals in accordance with chapter 407.

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