

HCS HB 954 -- OFFENSE OF WILLFUL TRESPASS

SPONSOR: Knight

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 5 to 3.

This bill creates the offense of willful trespass on a critical infrastructure facility. "Critical infrastructure facility" is defined in the bill. A person commits the offense of willful trespass on a critical infrastructure facility if he or she willfully trespasses or enters property containing a critical infrastructure facility without the permission of the property owner or a lawful occupant of the property. The offense of willful trespass on a critical infrastructure facility is a class B misdemeanor. However, if it determined that the intent of the trespasser is to damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations, the person will be guilty of a class A misdemeanor.

A person commits the offense of willful damage of a critical infrastructure facility if he or she willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility. Such offense is a class C felony.

If an organization is found to be a conspirator with persons who are found to have committed any of the specified offenses, the conspiring organization will be punished by a fine that is 10 times the amount of the fine set forth in the bill.

This bill contains an emergency clause.

PROPONENTS: Supporters say that this defines what a critical infrastructure facility is. This legislation does not prohibit the right to assemble; it just prohibits willful trespass and property damage. An example provided was the Dakota Access Pipeline protests, and there were no examples in Missouri to speak of. This strengthens the penalties for people who trespass on infrastructures that businesses and residents rely on. The list of what constitutes a critical infrastructure facility came from a presidential directive.

Testifying for the bill were Representative Knight; Missouri Chamber of Commerce & Industry; Missouri Cable Telecommunications Association; Association of Missouri Electric Cooperatives; American Fuel & Petrochemical Manufacturers; Missouri Petroleum Council; Missouri Trucking Association; Missouri Railroad

Association; Summit Utilities; Missouri American Water; Missouri Association of Municipal Utilities; Missouri Agribusiness Association; Transcanada; Spire Energy; Missouri Telecommunications Industry Association; and Missouri Energy Development Association.

OPPONENTS: Those who oppose the bill say that Missouri already has laws to protect against trespass and property damage. This legislation applies to railroads too, and it isn't limited to property damage. This would criminalize walking on a railroad. It does infringe on the right to protest. Prosecutors are not asking for this legislation because they can already prosecute trespass and property damage. If the goal is to get a harsher penalty, why does there need to be an entirely new offense to charge for something they can already charge with. The legislation is overly broad.

Testifying against the bill were Missouri Coalition For The Environment; American Civil Liberties Union of Missouri; and Sierra Club Missouri Chapter.