

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 3068 & 3049, Page 7, Section 43.530,  
2 Line 23, by inserting after said section and line the following:

3  
4 "569.086. 1. As used in this section, "critical infrastructure facility" means any of the  
5 following facilities that are under construction or operational: a petroleum or alumina refinery;  
6 critical electric infrastructure, as defined in 18 CFR [~~Section 118.113(e)(3)~~] Section  
7 388.113(c)(3) including, but not limited to, an electrical power generating facility, substation,  
8 switching station, electrical control center, or electric power lines and associated equipment  
9 infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake structure,  
10 water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping  
11 facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage  
12 facility; a telecommunications central switching office; wireline or wireless telecommunications  
13 networks, infrastructure, or facilities, including cell towers, telephone poles and lines, including  
14 fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other  
15 freight transportation facility; a gas processing plant, including a plant used in the processing,  
16 treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a  
17 federally licensed radio or television station; a steelmaking facility that uses an electric arc  
18 furnace to make steel; a facility identified and regulated by the United States Department of  
19 Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is  
20 regulated by the state or federal government; a natural gas distribution utility facility including,  
21 but not limited to, natural gas distribution and transmission mains and services, pipeline  
22 interconnections, a city gate or town border station, metering station, aboveground piping, a  
23 regulator station, and a natural gas storage facility; a crude oil or refined products storage and  
24 distribution facility including, but not limited to, valve sites, pipeline interconnection, pump  
25 station, metering station, below or aboveground pipeline or piping and truck loading or  
26 offloading facility, a grain mill or processing facility; [~~a~~] networks and facilities used in the  
27 generation, transmission, or distribution [system] of broadband internet access; or any  
28 aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility,  
29 or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked  
30 with signs prohibiting trespassing, that are obviously designed to exclude intruders.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           2. A person commits the offense of trespass on a critical infrastructure facility if he or  
 2 she purposely trespasses or enters property containing a critical infrastructure facility without the  
 3 permission of the owner of the property or lawful occupant thereof. The offense of trespass on a  
 4 critical infrastructure facility is a class B misdemeanor. ~~[If it is determined that the intent of the  
 5 trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the  
 6 facility, the person shall be guilty of a class A misdemeanor.~~

7           ~~3. A person commits the offense of damage of a critical infrastructure if he or she  
 8 purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The  
 9 offense of damage of a critical infrastructure facility is a class D felony.~~

10          4.] 3. This section shall not apply to conduct protected under the Constitution of the  
 11 United States, the Constitution of ~~[the state of]~~ Missouri, or a state or federal law or rule.

12          569.117. 1. A person commits the offense of damage of a critical infrastructure facility,  
 13 as defined in section 569.086, if he or she:

14           (1) Purposely damages, destroys, or tampers with equipment in a critical infrastructure  
 15 facility; or

16           (2) Recklessly damages, destroys or tampers with a critical infrastructure facility, or  
 17 removes any component of the critical infrastructure facility, excluding equipment.

18          2. Except as provided under subsection 3 of this section, the offense of damage of a  
 19 critical infrastructure facility under:

20           (1) Subdivision (1) of subsection 1 of this section is a class D felony; or

21           (2) Subdivision (2) of subsection 1 of this section is a:

22           (a) Class A misdemeanor if the damage is under seven hundred fifty dollars;

23           (b) Class E felony if the damage is seven hundred fifty dollars or more but less than  
 24 twenty-five thousand dollars; or

25           (c) Class D felony if the damage is twenty-five thousand dollars or more.

26          3. If the damage to a critical infrastructure facility causes interruption, impairment, or  
 27 degradation of service, the offense of damage of a critical infrastructure facility shall be a class C  
 28 felony regardless of value.

29          4. The value of damages under this section shall be determined under the provisions of  
 30 section 570.020.

31          5. (1) Any person who commits a violation under this section shall be required to make  
 32 restitution and perform community service as provided in this subsection.

33           (2) Restitution shall be made under the provisions of section 559.105.

34           (3) Community service shall be imposed as follows:

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

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

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

38          569.119. 1. As used in this section, the following terms mean:

1           (1) "Copper, brass, aluminum, fiber, or telecommunications material", any insulated or  
2 noninsulated copper, brass, aluminum, fiber-optic, or telecommunications wire, cable, pipe,  
3 tubing, power inverter, bus bar, broadband cable, fiber-optic line, or any material containing  
4 copper, brass, aluminum, fiber, glass, or metal components that is commonly used in  
5 construction, electrical systems, telecommunications networks, broadband infrastructure,  
6 utilities, or related commercial or industrial applications;

7           (2) "Critical infrastructure facility", the same meaning as defined under section 569.086.

8           2. A person commits the offense of unauthorized possession of certain copper, brass,  
9 aluminum, fiber, or telecommunications material if the person:

10           (1) Knowingly possesses copper, brass, aluminum, fiber, or telecommunications  
11 material; and

12           (2) Is not a person authorized to possess such material as provided under subsection 3 of  
13 this section.

14           3. Subject to subsection 4 of this section, the following persons are authorized to possess  
15 copper, brass, aluminum, fiber, or telecommunications material:

16           (1) The owner of the material;

17           (2) A public utility, rural electric cooperative, municipal utility, or common carrier;

18           (3) A telecommunications provider, internet service provider, cable service provider, or  
19 video service provider;

20           (4) A manufacturing, industrial, commercial, retail, or similar business that sells or uses  
21 such material in the ordinary course of business;

22           (5) A carrier-for-hire acting in the course and scope of the carrier's business and  
23 possessing appropriate documentation, including a bill of lading or contract verifying transport  
24 information;

25           (6) A scrap metal or metal recycling dealer under chapter 407 and acting within the  
26 ordinary course of business;

27           (7) A person acting in the ordinary course of lawful construction, remodeling,  
28 demolition, or salvage work who lawfully acquires the material through such activities; or

29           (8) Any agent, employee, subcontractor, or representative of a person described in  
30 subdivisions (1) to (7) of this subsection who is acting within the course and scope of such  
31 authority.

32           4. The authorization provided under subsection 3 of this section does not apply to a  
33 person who knows that the copper, brass, aluminum, fiber, or telecommunications material was  
34 unlawfully obtained.

35           5. (1) Except as provided in subdivision (2) of this subsection, the offense of  
36 unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications  
37 material is a class E felony.

1           (2) The offense of unauthorized possession of certain copper, brass, aluminum, fiber, or  
2 telecommunications material is a class D felony if it is shown at trial that:

3           (a) The material was unlawfully obtained from a critical infrastructure facility;

4           (b) The person has a prior conviction for any offense involving theft, property damage,  
5 tampering, receiving stolen property, or unauthorized possession of copper, brass, aluminum,  
6 fiber, or telecommunications material; or

7           (c) The person conspired with or acted in concert with another to commit theft, property  
8 damage, tampering, or receiving stolen property involving such material.

9           6. If conduct constituting an offense under this section also constitutes an offense under  
10 any other provision of law, the person may be prosecuted under either or both provisions subject  
11 to the provisions of section 556.041."; and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.