

1 **company property, waste management facility or real**
2 **or personal property used for producing, generating,**
3 **transmitting, distributing, treating, storing or**
4 **collecting electricity, natural gas, oil, coal,**
5 **timber, water, wastewater, stormwater,**
6 **telecommunications or cable service; penalties;**
7 **restitution.**

8 (a) Any person who knowingly and willfully damages or destroys
9 any real or personal property owned by a railroad company, ~~or~~
10 public utility company, waste management facility or any real or
11 personal property used for producing, generating, transmitting,
12 distributing, treating, storing or collecting electricity, natural
13 gas, oil, coal, timber, water, wastewater, stormwater,
14 telecommunications or cable service is guilty of a misdemeanor and,
15 upon conviction thereof, shall be fined not more than \$2,000, or
16 confined in jail not more than one year, or both fined and
17 confined.

18 (b) Any person who knowingly and willfully: (1) Damages or
19 destroys any real or personal property owned by a railroad company,
20 ~~or~~ public utility company, waste management facility or any real or
21 personal property used for producing, generating, transmitting,
22 distributing, treating, storing or collecting electricity, natural
23 gas, oil, coal, timber, water, wastewater, stormwater,

1 telecommunications or cable service; and (2) creates a substantial
2 risk of serious bodily injury to another or results in the
3 interruption of service to the public is guilty of a felony and,
4 upon conviction thereof, shall be fined not more than \$5,000, or
5 confined in a state correctional facility not less than one nor
6 more than three years, or both fined and imprisoned.

7 (c) Any person who knowingly and willfully: (1) Damages or
8 destroys any real or personal property owned by a railroad company,
9 ~~or~~ public utility company, waste management facility or any real or
10 personal property used for producing, generating, transmitting,
11 distributing, treating, storing or collecting electricity, natural
12 gas, oil, coal, timber, water, wastewater, stormwater,
13 telecommunications or cable service; and (2) causes serious bodily
14 injury to another is guilty of a felony and, upon conviction
15 thereof, shall be fined not less than \$5,000 nor more than \$50,000,
16 or confined in a state correctional facility not less than one nor
17 more than five years, or both fined and imprisoned.

18 (d) Any person who knowingly and willfully: (1) Damages or
19 destroys, tampers with or removes any real or personal property
20 owned by a railroad company, public utility company, waste
21 management facility or any real or personal property used for
22 producing, generating, transmitting, distributing, treating,
23 storing or collecting electricity, natural gas, oil, coal, timber,
24 water, wastewater, stormwater, telecommunications or cable service;

1 and (2) thereby hinders, impairs or disrupts, directly or
2 indirectly, the normal operation of any equipment, device, system
3 or service put in place, in whole or in part, to protect, promote
4 or facilitate the health or safety of any person is guilty of a
5 felony and, upon conviction thereof, shall be fined not less than
6 \$1,000 nor more than \$10,000, or confined in a state correctional
7 facility not less than one nor more than three years, or both fined
8 and imprisoned.

9 ~~(d)~~ (e) Nothing in this section may be construed to limit or
10 restrict the ability of an entity referred to in subsection (a),
11 (b), ~~or~~ (c) or (d) of this section or a property owner or other
12 person who has been damaged or injured as a result of a violation
13 of this section from seeking recovery for damages arising from
14 violation of this section.

NOTE: The purpose of this bill is to provide for protection against property crimes committed against coal mines, utilities and other industrial facilities. The bill adds waste management facilities and timber operations to the protected facilities and provides for criminal penalties for the removal, destruction, or damage of real or personal property that impairs the normal operation any equipment or system used for the protection of health and safety of any person. This bill is the same as H.B. 4226.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.