

1 **transmitting, distributing, treating, storing or**
2 **collecting electricity, natural gas, oil, coal,**
3 **timber, water, wastewater, stormwater,**
4 **telecommunications or cable service; penalties;**
5 **restitution.**

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

16 (b) Any person who knowingly and willfully: (1) Damages or
17 destroys any real or personal property owned by a railroad company,
18 ~~or~~ public utility company, waste management facility or any real or
19 personal property used for producing, generating, transmitting,
20 distributing, treating, storing or collecting electricity, natural
21 gas, oil, coal, timber, water, wastewater, stormwater,
22 telecommunications or cable service; and (2) creates a substantial
23 risk of serious bodily injury to another or results in the

1 interruption of service to the public is guilty of a felony and,
2 upon conviction thereof, shall be fined not more than \$5,000, or
3 confined in a state correctional facility not less than one nor
4 more than three years, or both fined and imprisoned.

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

16 (d) Any person who knowingly and willfully: (1) Damages or
17 destroys, tampers with or removes any real or personal property
18 owned by a railroad company, public utility company, waste
19 management facility or any real or personal property used for
20 producing, generating, transmitting, distributing, treating,
21 storing or collecting electricity, natural gas, oil, coal, timber,
22 water, wastewater, stormwater, telecommunications or cable service;
23 and (2) thereby hinders, impairs or disrupts, directly or
24 indirectly, the normal operation of any equipment, device, system

1 or service put in place, in whole or in part, to protect, promote
2 or facilitate the health or safety of any person is guilty of a
3 felony and, upon conviction thereof, shall be fined not less than
4 \$1,000 nor more than \$10,000, or confined in a state correctional
5 facility not less than one nor more than three years, or both fined
6 and imprisoned.

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

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