

HB3838



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3838

by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

5 ILCS 5/21-8.5 new

Amends the Criminal Code of 2012. Creates the offense of criminal trespass to a critical infrastructure facility. Provides that a person commits the offense when he or she knowingly: (1) operates an unmanned aircraft system over a critical infrastructure facility at an altitude not higher than 400 feet above ground level; or (2) allows an unmanned aircraft system to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility. Provides exemptions. Defines "critical infrastructure facility". Provides that a violation is a Class A misdemeanor.

LRB100 09729 RLC 19898 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 21-8.5 as follows:

6 (5 ILCS 5/21-8.5 new)

7 Sec. 21-8.5. Criminal trespass to a critical
8 infrastructure facility.

9 (a) As used in this Section, "critical infrastructure
10 facility" means any of the following facilities, if completely
11 enclosed by a fence or other physical barrier that is obviously
12 designed to exclude intruders, or if marked with a sign
13 conspicuously posted on the property that indicates that entry
14 is forbidden:

15 (1) a petroleum or alumina refinery;

16 (2) an electrical power generating facility,
17 substation, switching station or electrical control
18 center;

19 (3) a chemical, polymer or rubber manufacturing
20 facility;

21 (4) a water intake structure, water treatment
22 facility, wastewater treatment plant or pump station;

23 (5) a natural gas compressor station;

- 1 (6) a liquid natural gas terminal or storage facility;
2 (7) a telecommunications central switching office;
3 (8) a port, railroad switching yard, trucking terminal
4 or other freight transportation facility;
5 (9) a gas processing plant, including a plant used in
6 the processing, treatment or fractionation of natural gas;
7 (10) a transmission facility used by a federally
8 licensed radio or television station;
9 (11) a steelmaking facility that uses an electric arc
10 furnace to make steel;
11 (12) a dam that is classified as a high hazard by the
12 Illinois Emergency Management Agency;
13 (13) any portion of an aboveground oil, gas or chemical
14 pipeline that is enclosed by a fence or other physical
15 barrier that is obviously designed to exclude intruders; or
16 (14) a correctional facility or law enforcement
17 facility.
- 18 (b) Except as provided in subsection (c) of this Section, a
19 person commits criminal trespass to a critical infrastructure
20 facility when he or she knowingly:
- 21 (1) operates an unmanned aircraft system over a
22 critical infrastructure facility at an altitude not higher
23 than 400 feet above ground level; or
24 (2) allows an unmanned aircraft system to make contact
25 with a critical infrastructure facility, including any
26 person or object on the premises of or within the facility.

1 (c) This Section does not apply to:

2 (1) The federal government.

3 (2) A public body.

4 (3) A law enforcement agency.

5 (4) A person under contract with or otherwise acting
6 under the direction or on behalf of the federal government,
7 a public body or a law enforcement agency.

8 (5) An owner or operator of the critical infrastructure
9 facility.

10 (6) A person who has the prior written consent of the
11 owner or operator of the critical infrastructure facility.

12 (7) The owner or occupant of the property on which the
13 critical infrastructure facility is located.

14 (8) A person who has the prior written consent of the
15 owner or occupant of the property on which the critical
16 infrastructure facility is located.

17 (9) A person operating an unmanned aircraft system for
18 commercial purposes in compliance with authorization
19 granted by the Federal Aviation Administration.

20 (d) Sentence. Criminal trespass to a critical
21 infrastructure facility is a Class A misdemeanor.