

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 69: Malicious Mischief

§ 1792. Critical infrastructure facility--Trespass--Damage--Penalties

Cite as: 21 CNCA § 1792

A. Any person who shall willfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment for a term of six (6) months, or by both such fine and imprisonment. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall, upon conviction, be guilty of a felony punishable by a fine of not less than Ten Thousand Dollars (\$10,000.00), or by imprisonment for a term of one (1) year, or by both such fine and imprisonment.

B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a felony punishable by a fine of Fifteen Thousand Dollars (\$15,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than three (3) years, or by both such fine and imprisonment.

C. If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision of this section.

D. As used in this section, "critical infrastructure facility" means:

1. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

a. a petroleum or alumina refinery,

b. an electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,

c. a chemical, polymer or rubber manufacturing facility,

- d. a water intake structure, water treatment facility, wastewater treatment plant or pump station,
 - e. a natural gas compressor station,
 - f. a liquid natural gas terminal or storage facility,
 - g. a telecommunications central switching office,
 - h. wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines,
 - i. a port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,
 - j. a gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,
 - k. a transmission facility used by a federally licensed radio or television station,
 - l. a steelmaking facility that uses an electric arc furnace to make steel,
 - m. a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,
 - n. a dam that is regulated by the state or federal government,
 - o. a natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or
 - p. a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; or
2. Any above ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

Historical Data

LA 07-21, eff. February 22, 2021.