To: Kansas House Judiciary Committee
From: Gavin Kreidler on behalf of the American Fuel and Petrochemical Manufactures
Date: 3/17/2021
RE: Hearing in support of SB 172

Mr. Chairman, members of the Senate Utilities Committee-

My name is Gavin Kreidler and I appear before you today representing the American Fuel and Petrochemical Manufactures Association. AFPM sought the introduction of SB 172 and we are grateful for the opportunity to discuss it with the Committee. We believe increasing the criminal penalties on individuals who knowingly trespass or damage a critical infrastructure facility is vitally important to maintaining our everyday lifestyle, our Kansas economic output, and in some cases the defense of our State and Nation. SB 172 is a simple bill that seeks to do two important things. One, it creates a comprehensive legal framework with regards to what entities and industries are considered a CIF. Currently, Kansas has criminal laws against tampering with pipelines, but many other forms of critical infrastructure are not afforded the same necessary protection. The new definition of a CIF would include not only pipelines, but telecom, electrical generational, water treatment, dams, railroad yards and several other facilities and utilities that are critical to the State of Kansas. These facilities are also recognized as CIFs by the Dept. of Homeland Security. Because CIFs represent a sensitive target for perpetrators, SB 172 then seeks to provide proportional criminal penalties for individuals who trespass, damage, or disrupt the operation of these CIFS. Under SB 172, the penalties for this conduct are as follows:

1) Trespassing on a CIF would be a class A misdemeanor (elevated from standard trespassing, which is a class B misdemeanor).

2) Creates the crime of aggravated trespassing and assigns that crime as a severity level 7 non-person felony.

3) Criminal damages to a CIF would be assessed a severity level 6 non-person felony. This is congruent to current Kansas statute regarding damaging a pipeline.

4) Aggravated criminal damages, when done with the specific intent to damage or interfere with the operation of a CIF would be assigned a severity level 5 non-person felony.
5) SB 172 also holds recruiters of this type of illegal activity financially liable for any damages that might occur.

The clear language of SB 172 and the appropriate penalties make for a strong deterrent for this type of criminal activity. We know SB 172 is important to not only Kansas industry but also many Kansas employees whose livelihoods rely on these CIFs. AFPM feel that increased penalties are justified and appropriate considering the importance of these facilities and the gravity of the crimes committed and the safety of all Kansans.