



To: Kansas House Judiciary Committee

From: Gavin Kreidler on behalf of the American Fuel and Petrochemical Manufacturers

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 Manufacturers 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.



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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.

**SENTENCING RANGE - NONDRUG OFFENSES**

Category	A			B			C			D			E			F			G			H			I		
Severity Level	3 + Person Felonies			2 Person Felonies			1 Person & 1 Nonperson Felonies			1 Person Felony			3 + Nonperson Felonies			2 Nonperson Felonies			1 Nonperson Felony			2 + Misdemeanors			1 Misdemeanor No Record		
I	653	620	592	618	586	554	285	272	258	267	253	240	246	234	221	226	214	203	203	195	184	186	176	166	165	155	147
II	493	467	442	460	438	416	216	205	194	200	190	181	184	174	165	168	160	152	154	146	138	138	131	123	123	117	109
III	247	233	221	228	216	206	107	102	96	100	94	89	92	88	82	83	79	74	77	72	68	71	66	61	61	59	55
IV	172	162	154	162	154	144	75	71	68	69	66	62	64	60	57	59	56	52	52	50	47	48	45	42	43	41	38
V	136	130	122	128	120	114	60	57	53	55	52	50	51	49	46	47	44	41	43	41	38	38	36	34	34	32	31
VI	46	43	40	41	39	37	38	36	34	36	34	32	32	30	28	29	27	25	26	24	22	21	20	19	19	18	17
VII	34	32	30	31	29	27	29	27	25	26	24	22	23	21	19	19	18	17	17	16	15	14	13	12	13	12	11
VIII	23	21	19	20	19	18	19	18	17	17	16	15	15	14	13	13	12	11	11	10	9	11	10	9	9	8	7
IX	17	16	15	15	14	13	13	12	11	13	12	11	11	10	9	10	9	8	9	8	7	8	7	6	7	6	5
X	13	12	11	12	11	10	11	10	9	10	9	8	9	8	7	8	7	6	7	6	5	7	6	5	7	6	5

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment