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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 91

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES INVOLVING PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter III, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 811A. Aggravated criminal mischief, knowingly damaging critical utility infrastructure; class D felony.

(a) A person is guilty of aggravated criminal mischief when the person knowingly damages or tampers with critical utility infrastructure with the intent to interrupt or impair utility operations or the delivery, supply, or receipt of utility services.

(b) As used in this section, "critical utility infrastructure" means:

(1) Electric generation, transmission, or distribution facilities; substations; transformers; switching stations; power lines; and related infrastructure.

(2) Natural gas, propane, compressed natural gas (CNG), liquid natural gas (LNG), or renewable natural gas (RNG) processing, transmission, or distribution facilities; pipelines; compressor stations; city gates; metering stations; regulator stations; cleaning, processing, and upgrading facilities; storage facilities or terminals; and related infrastructure.

(3) Drinking water sources; water transmission lines; water treatment plants; water distribution systems; groundwater monitoring wells; wastewater treatment plants; wastewater collection systems; and related infrastructure.

(4) Wireline or wireless telecommunications or internet infrastructure; fiber optic and cable lines and wires; cell towers; antennae; receivers; and related infrastructure.

(5) Any crude oil or refined petroleum product storage and distribution facilities; valve sites; pipelines or pipeline interconnections; pump stations or metering stations; loading or offloading facilities; and related infrastructure.

- 21 (c) The provisions of this section shall not apply to an employee or contractor acting in the scope of their
22 employment providing services or maintenance to critical utility infrastructure.
23 (d) Aggravated criminal mischief is a class D felony.

SYNOPSIS

This Act creates a new offense of Aggravated Criminal Mischief with enhanced penalties (class D felony) applicable when an individual knowingly damages or tampers with critical utility infrastructure intending to disrupt utility services. In recent years, the U.S. Department of Homeland Security (DHS) and the FBI have issued repeated warnings about domestic terrorists and extremist groups targeting critical utility infrastructure. Bulletins issued through DHS' National Terrorism Advisory System in 2022 warned of a heightened threat environment based, in part, on "continued calls for violence directed at U.S. critical infrastructure." Physical and computerized attacks on electric utility equipment have reached a 10-year high in 2022. Recent attacks in Washington and North Carolina have caused substantial outages and damage to the power grids in both states.