



An Act Concerning Vandalism Of Railroad Property.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section:

2 (1) "Bodily injury" means (A) a cut, abrasion, bruise, burn or
3 disfigurement; (B) physical pain; (C) illness; (D) impairment of the
4 function of a bodily member, organ or mental faculty; or (E) any other
5 injury to the body, no matter how temporary;

6 (2) "Railroad" means any form of nonhighway ground
7 transportation that runs on rails or electromagnetic guideways,
8 including (A) commuter or other short-haul railroad passenger service
9 in a metropolitan or suburban area; and (B) high-speed ground
10 transportation systems that connect metropolitan areas. "Railroad"
11 does not include rapid transit operations in an urban area that are not
12 connected to the general railroad system of transportation;

13 (3) "Railroad carrier" means a person or entity providing railroad
14 transportation;

15 (4) "Railroad property" means all property owned, leased or
16 operated by a railroad carrier, including a right-of-way, track, bridge,
17 yard, shop, station, tunnel, viaduct, trestle, depot, warehouse,
18 terminal, railroad signal system, train control system, centralized
19 dispatching system or any other structure, appurtenance or equipment

20 owned, leased or used in the operation of any railroad carrier,
21 including a train, locomotive, engine, railroad car or safety device, or
22 work equipment or rolling stock. "Railroad property" does not include
23 administrative buildings, administrative offices or administrative
24 office equipment;

25 (5) "Right-of-way" means the track or roadbed owned, leased or
26 operated by a railroad carrier that is located on either side of its tracks;

27 (6) "Serious bodily injury" means bodily injury that involves: (A) A
28 substantial risk of death; (B) extreme physical pain; (C) protracted and
29 obvious disfigurement; or (D) protracted loss or impairment of the
30 function of a bodily member, organ or mental faculty; and

31 (7) "Yard" means a system of parallel tracks, crossovers, and
32 switches where railroad cars are switched and made up into trains,
33 and where railroad cars, locomotives and other rolling stock are kept
34 when not in use or when awaiting repairs.

35 (b) (1) Any person who, with reckless disregard for railroad
36 property or the safety of another, commits any act that may cause
37 damage to railroad property or bodily injury to another including, but
38 not limited to: (A) Placing a small object, such as a coin, token, bottle
39 cap, bottle or can, on a railroad track or rail, or dropping or throwing
40 an object, such as an egg or water balloon, at a locomotive or train; (B)
41 taking, removing, defacing, altering, marking with graffiti or otherwise
42 vandalizing a railroad sign, placard, marker or any other railroad
43 equipment or tangible property; (C) throwing a rock, baseball or other
44 object at a locomotive, railroad car or train; (D) dropping a brick or
45 other object from a bridge or other overpass onto a railroad right-of-
46 way; (E) shooting a firearm or other weapon at a locomotive, railroad
47 car or train; (F) removing appurtenances from, damaging or otherwise
48 impairing the operation of any railroad signal system, including a train
49 control system, centralized dispatching system or highway railroad
50 grade crossing warning signal on a railroad owned, leased or operated
51 by any railroad carrier, without consent of the railroad carrier

52 involved; (G) interfering or tampering with or obstructing in any way,
53 any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert,
54 embankment, structure or appliance pertaining to or connected with
55 any railroad carrier, without consent of the railroad carrier involved;
56 or (H) taking, stealing, removing, changing, adding to, altering or in
57 any manner interfering with any journal bearing, brass, waste,
58 packing, triple valve, pressure cock, brake, air hose or any other part of
59 the operating mechanism of any locomotive, engine, tender, coach, car,
60 caboose or motor used or capable of being used by any railroad carrier
61 in this state, without consent of the railroad carrier, shall be guilty of
62 an offense.

63 (2) (A) If no railroad property damage results from such act, such
64 person shall be guilty of an infraction.

65 (B) If railroad property damage resulting from such act does not
66 exceed two hundred fifty dollars, such person shall be guilty of a class
67 B misdemeanor. Upon conviction of any such act, such person shall be
68 subject to the penalties set forth in sections 53a-36 and 53a-42 of the
69 general statutes.

70 (C) If railroad property damage resulting from such act exceeds two
71 hundred fifty dollars but does not exceed one thousand five hundred
72 dollars, such person shall be guilty of a class A misdemeanor. Upon
73 conviction of any such act, such person shall be subject to the penalties
74 set forth in sections 53a-36 and 53a-42 of the general statutes.

75 (D) If railroad property damage resulting from such act exceeds one
76 thousand five hundred dollars, such person shall be guilty of a class D
77 felony. Upon conviction of any such act, such person shall be subject to
78 the penalties set forth in sections 53a-35a and 53a-41 of the general
79 statutes.

80 (3) (A) If no bodily injury occurs to another as a result of any such
81 act, such person shall be guilty of an infraction.

82 (B) If bodily injury occurs to another as a result of any such act, such

83 person shall be guilty of a class A misdemeanor. Upon conviction of
84 any such act, such person shall be subject to the penalties set forth in
85 sections 53a-36 and 53a-42 of the general statutes.

86 (C) If serious bodily injury occurs to another as a result of any such
87 act, such person shall be guilty of a class D felony. Upon conviction of
88 any such act, such person shall be subject to the penalties set forth in
89 sections 53a-35a and 53a-41 of the general statutes.

90 (D) If death occurs to another as a result of any such act, such
91 person shall be guilty of manslaughter in the second degree.
92 Manslaughter in the second degree is a class C felony.

93 (c) (1) Any person who wilfully damages or attempts to damage
94 railroad property or wilfully endangers or attempts to endanger the
95 safety of another by any act, including, but not limited to: (A) Taking,
96 removing, defacing, altering or otherwise vandalizing a railroad sign,
97 placard, marker or any other railroad equipment or tangible property;
98 (B) throwing a rock, baseball or other object at a locomotive, railroad
99 car or train; (C) dropping a brick or other object from a bridge or other
100 overpass onto a railroad right-of-way; (D) shooting a firearm or other
101 weapon at a locomotive, railroad car or train; (E) removing
102 appurtenances from, damaging or otherwise impairing the operation
103 of any railroad signal system, including a train control system,
104 centralized dispatching system or highway railroad grade crossing
105 warning signal, on a railroad owned, leased or operated by any
106 railroad carrier, without consent of the railroad carrier involved; (F)
107 interfering or tampering with or obstructing in any way, any switch,
108 frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert,
109 embankment, structure or appliance pertaining to or connected with
110 any railroad carrier, without consent of the railroad carrier involved;
111 or (G) taking, stealing, removing, changing, adding to, altering or in
112 any manner interfering with any journal bearing, brass, waste,
113 packing, triple valve, pressure cock, brake, air hose or any other part of
114 the operating mechanism of any locomotive, engine, tender, coach, car,
115 caboose or motor car used or capable of being used by any railroad

116 carrier in this state, without consent of the railroad carrier, shall be
117 guilty of an offense.

118 (2) (A) If railroad property damage resulting from such act does not
119 exceed two hundred fifty dollars, such person shall be guilty of a class
120 A misdemeanor. Upon conviction of any such act, such person shall be
121 subject to the penalties set forth in sections 53a-36 and 53a-42 of the
122 general statutes.

123 (B) If railroad property damage resulting from such act exceeds two
124 hundred fifty dollars but does not exceed one thousand five hundred
125 dollars, such person shall be guilty of a class C felony. Upon conviction
126 of any such act, such person shall be subject to the penalties set forth in
127 sections 53a-35a and 53a-41 of the general statutes.

128 (C) If railroad property damage resulting from such act exceeds one
129 thousand five hundred dollars, such person shall be guilty of a class B
130 felony. Upon conviction of any such act, such person shall be subject to
131 the penalties set forth in sections 53a-35a and 53a-41 of the general
132 statutes.

133 (3) (A) If no bodily injury occurs to another as a result of any such
134 act, such person shall be guilty of a class A misdemeanor. Upon
135 conviction of any such act, such person shall be subject to the penalties
136 set forth in sections 53a-36 and 53a-42 of the general statutes.

137 (B) If bodily injury occurs to another as a result of any such act, such
138 person shall be guilty of a class C felony. Upon conviction of any such
139 act, such person shall be subject to the penalties set forth in sections
140 53a-35a and 53a-41 of the general statutes.

141 (C) If serious bodily injury occurs to another as a result of any such
142 act, such person shall be guilty of a class B felony. Upon conviction of
143 any such act, such person shall be subject to the penalties set forth in
144 sections 53a-35a and 53a-41 of the general statutes.

145 (D) If death occurs to another as a result of any such act, such

146 person shall be guilty of manslaughter in the first degree.
147 Manslaughter in the first degree is a class B felony.

148 (d) Any person who wilfully and with intent to permanently
149 deprive the owner thereof, takes or removes railroad freight from any
150 freight car, including a boxcar, container or flatbed, shall be guilty of a
151 class D felony. Upon conviction of any such act, such person shall be
152 subject to the penalties set forth in sections 53a-35a and 53a-41 of the
153 general statutes.

154 (e) Any person who buys or receives any of the railroad freight
155 described in subsection (d) of this section, having reason to know that
156 such freight has been stolen, shall be guilty of a class D felony. Upon
157 conviction of any such act, such person shall be subject to the penalties
158 set forth in sections 53a-35a and 53a-41 of the general statutes.

TRA Committee Vote: Yea 22 Nay 2 JFS