

1 SB45  
2 206678-2  
3 By Senator Ward  
4 RFD: Transportation and Energy  
5 First Read: 04-FEB-20  
6 PFD: 01/15/2020

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to criminal trespass; to amend Section  
12 13A-7-4.3, Code of Alabama 1975, to further provide for the  
13 crime of unauthorized entry of a critical infrastructure; to  
14 further provide criminal penalties; and in connection  
15 therewith would have as its purpose or effect the requirement  
16 of a new or increased expenditure of local funds within the  
17 meaning of Amendment 621 of the Constitution of Alabama of  
18 1901, now appearing as Section 111.05 of the Official  
19 Recompilation of the Constitution of Alabama of 1901, as  
20 amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 13A-7-4.3, Code of Alabama 1975,  
23 is amended to read as follows:

24 "§13A-7-4.3.

25 "(a) For the purposes of this section, the following  
26 words have the following meanings:

1           "(1) CRITICAL INFRASTRUCTURE. The term includes, but  
2 is not limited to, a chemical manufacturing or processing  
3 facility, a pipeline, a refinery, an electrical power  
4 generating facility and the area surrounding the facility, an  
5 electrical transmission tower and substation, and a  
6 distribution substation or associated facility, an electric  
7 utility control center, communication equipment, a switching  
8 station, a water intake structure and water treatment  
9 facility, a natural gas transmission compressor station, a  
10 liquefied natural gas (LNG) terminal and storage facility, a  
11 natural gas and hydrocarbon storage facility, mining  
12 operations, beneficiation infrastructure, mining  
13 infrastructure, and a transportation facility, such as a port,  
14 railroad operating facility, or trucking terminal, any  
15 facility designated as critical infrastructure under 18 U.S.C.  
16 § 2339D, and any industrial plant or facility of any of the  
17 foregoing.

18           "(2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION  
19 PURPOSES. A document which is presented as being a bona fide  
20 document that provides personal identification information but  
21 which, in fact, is false, forged, altered, or counterfeit.

22           "(3) PERSON. An individual, trust, estate,  
23 corporation, partnership, limited partnership, limited  
24 liability partnership, limited liability company, or  
25 unincorporated nonprofit association having a separate legal  
26 existence under state law.

1           "(4) PIPELINE. Flow, transmission, distribution, or  
2 gathering lines, regardless of size or length, that transmit  
3 or transport oil, gas, petrochemicals, minerals, or water in a  
4 solid, liquid, or gaseous state.

5           "(5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial  
6 vehicle that does not carry a human operator, uses aerodynamic  
7 forces to provide vehicle lift, may fly autonomously through  
8 an onboard computer or be piloted remotely, and may be  
9 expendable or recoverable. The term does not include a  
10 satellite orbiting the Earth or a spacecraft beyond Earth's  
11 atmosphere, and may not be construed to implicate the provider  
12 of a telecommunications link between an owner or operator of  
13 an unmanned aircraft system and the unmanned aircraft system.

14           "(b) A person commits the crime of unauthorized  
15 entry of a critical infrastructure if the person does any of  
16 the following:

17           "(1) Intentionally enters without authority into any  
18 structure or onto any premises belonging to another that  
19 constitutes in whole or in part a critical infrastructure that  
20 is completely enclosed by any type of physical barrier or  
21 clearly marked with a sign or signs that are posted in a  
22 conspicuous manner and indicate that unauthorized entry is  
23 forbidden.

24           "(2) Uses or attempts to use a fraudulent document  
25 for identification for the purpose of entering a critical  
26 infrastructure.

1           "(3) Remains upon or on the premises of a critical  
2 infrastructure after having been forbidden to do so, either  
3 orally or in writing, by any owner, lessee, or custodian of  
4 the property or by any other authorized person.

5           "(4) Intentionally enters into a restricted area of  
6 a critical infrastructure which is marked as a restricted or  
7 limited access area that is completely enclosed by any type of  
8 physical barrier when the person is not authorized to enter  
9 the restricted or limited access area.

10           "(c) A person who commits the crime of unauthorized  
11 entry of a critical infrastructure is guilty of a Class A  
12 misdemeanor.

13           "(d) If, during the commission of the crime of  
14 unauthorized entry of a critical infrastructure, the person  
15 injures, removes, destroys, breaks, or otherwise interrupts or  
16 interferes with the operations of a critical infrastructure  
17 asset, the person is guilty of a Class C felony.

18           "(e) A person who commits the crime of unauthorized  
19 entry of a critical infrastructure while possessing or  
20 operating an unmanned aircraft system with an attached weapon,  
21 firearm, explosive, destructive device, or ammunition is  
22 guilty of a Class C felony.

23           "~~(d)~~ (f) Nothing in this section shall be construed  
24 to prevent lawful assembly and peaceful and orderly petition  
25 for the redress of grievances, including, but not limited to,  
26 any labor dispute between any employer and its employee."

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621 because the  
5                   bill defines a new crime or amends the definition of an  
6                   existing crime.

7                   Section 3. This act shall become effective on the  
8                   first day of the third month following its passage and  
9                   approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Transportation and Energy..... 04-FEB-20

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 13-FEB-20

Read for the third time and passed as amended .... 12-MAR-20

Yeas 28  
Nays 3

Patrick Harris,  
Secretary.