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3 WARD SUBSTITUTE FOR SB45
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8 SYNOPSIS: Existing law provides for the commission of
9 the crime of unauthorized entry of a critical
10 infrastructure.

11 This bill would further define the term
12 critical infrastructure to include pipelines,
13 mining operations, beneficiation infrastructure,
14 and mining infrastructure.

15 This bill would provide enhanced criminal
16 penalties when a person damages a critical
17 infrastructure while committing the crime of
18 unauthorized entry of a critical infrastructure.

19 This bill would define an unmanned aircraft
20 system and would provide enhanced criminal
21 penalties for the commission of the crime of
22 unauthorized entry of a critical infrastructure if,
23 during the commission of the crime by an unmanned
24 aircraft system, the unmanned aircraft system is
25 attached with a weapon, firearm, explosive,
26 destructive device, or ammunition.

1 Amendment 621 of the Constitution of Alabama
2 of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of
4 Alabama of 1901, as amended, prohibits a general
5 law whose purpose or effect would be to require a
6 new or increased expenditure of local funds from
7 becoming effective with regard to a local
8 governmental entity without enactment by a 2/3 vote
9 unless: it comes within one of a number of
10 specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

14 The purpose or effect of this bill would be
15 to require a new or increased expenditure of local
16 funds within the meaning of the amendment. However,
17 the bill does not require approval of a local
18 governmental entity or enactment by a 2/3 vote to
19 become effective because it comes within one of the
20 specified exceptions contained in the amendment.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to criminal trespass; to amend Section
27 13A-7-4.3, Code of Alabama 1975, to further provide for the

1 crime of unauthorized entry of a critical infrastructure; to
2 further provide criminal penalties; and in connection
3 therewith would have as its purpose or effect the requirement
4 of a new or increased expenditure of local funds within the
5 meaning of Amendment 621 of the Constitution of Alabama of
6 1901, now appearing as Section 111.05 of the Official
7 Recompilation of the Constitution of Alabama of 1901, as
8 amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§13A-7-4.3.

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

15 "(1) CRITICAL INFRASTRUCTURE. The term includes, but
16 is not limited to, a chemical manufacturing or processing
17 facility, a pipeline, a refinery, an electrical power
18 generating facility and the area surrounding the facility, an
19 electrical transmission tower and substation, and a
20 distribution substation or associated facility, an electric
21 utility control center, communication equipment, a switching
22 station, a water intake structure and water treatment
23 facility, a natural gas transmission compressor station, a
24 liquefied natural gas (LNG) terminal and storage facility, a
25 natural gas and hydrocarbon storage facility, mining
26 operations, beneficiation infrastructure, mining
27 infrastructure, and a transportation facility, such as a port,

1 railroad operating facility, ~~or~~ trucking terminal, any
2 facility designated as critical infrastructure under 18 U.S.C.
3 § 2339D, and any industrial plant or facility of any of the
4 foregoing.

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

9 "(3) PERSON. An individual, trust, estate,
10 corporation, partnership, limited partnership, limited
11 liability partnership, limited liability company, or
12 unincorporated nonprofit association having a separate legal
13 existence under state law.

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

18 "(5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
19 vehicle that does not carry a human operator, uses aerodynamic
20 forces to provide vehicle lift, may fly autonomously through
21 an onboard computer or be piloted remotely, and may be
22 expendable or recoverable. The term does not include a
23 satellite orbiting the Earth or a spacecraft beyond Earth's
24 atmosphere, and may not be construed to implicate the provider
25 of a telecommunications link between an owner or operator of
26 an unmanned aircraft system and the unmanned aircraft system.

1 "(b) A person commits the crime of unauthorized
2 entry of a critical infrastructure if the person does any of
3 the following:

4 "(1) Intentionally enters without authority into any
5 structure or onto any premises belonging to another that
6 constitutes in whole or in part a critical infrastructure that
7 is completely enclosed by any type of physical barrier or
8 clearly marked with a sign or signs that are posted in a
9 conspicuous manner and indicate that unauthorized entry is
10 forbidden.

11 "(2) Uses or attempts to use a fraudulent document
12 for identification for the purpose of entering a critical
13 infrastructure.

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

18 "(4) Intentionally enters into a restricted area of
19 a critical infrastructure which is marked as a restricted or
20 limited access area that is completely enclosed by any type of
21 physical barrier when the person is not authorized to enter
22 the restricted or limited access area.

23 "(c) A person who commits the crime of unauthorized
24 entry of a critical infrastructure is guilty of a Class A
25 misdemeanor.

26 "(d) If, during the commission of the crime of
27 unauthorized entry of a critical infrastructure, the person

1 injures, removes, destroys, breaks, or otherwise interrupts or
2 interferes with the operations of a critical infrastructure
3 asset, the person is guilty of a Class C felony.

4 "(e) A person who commits the crime of unauthorized
5 entry of a critical infrastructure while possessing or
6 operating an unmanned aircraft system with an attached weapon,
7 firearm, explosive, destructive device, or ammunition is
8 guilty of a Class C felony.

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

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621 because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

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