



**House Transportation, Utilities and Infrastructure
Reported Substitute for HB453**

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-7-4.3, Code of Alabama 1975; to further provide for the crime of unauthorized entry of a critical infrastructure facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-7-4.3

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

(1) CRITICAL INFRASTRUCTURE. A system or asset, whether physical or virtual, so vital to the United States that the incapacity or destruction of the system or asset would have a debilitating impact on security, national economic security, national public health, or national public safety.

~~(1)~~ (2) CRITICAL INFRASTRUCTURE FACILITY. The term includes, but is not limited to, any of the following, including any critical infrastructure located on or in any of the following types of facilities:

a. a—A chemical, polymer, or rubber manufacturing



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- 29 facility~~r~~.
- 30 b. ~~a~~-A pipeline~~r~~.
- 31 c. ~~a~~-A refinery~~r~~.
- 32 d. ~~an~~-An electrical power generating facility.
- 33 e. ~~and the~~-The area surrounding ~~the~~-an electrical power
- 34 generating facility~~r~~.
- 35 f. ~~an~~-An electrical transmission tower.
- 36 g. ~~and~~-An electrical substation ~~and~~-or distribution
- 37 substation~~r~~.
- 38 h. ~~an~~-An electric utility control center~~r~~.
- 39 i. Electrical communication equipment~~r~~.
- 40 j. ~~a~~-An electrical switching station~~r~~.
- 41 k. Electric power lines, power storage equipment, or
- 42 other utility equipment.
- 43 l. ~~a~~-A water intake structure~~and~~, water treatment
- 44 facility, or wastewater treatment plant or pump station.
- 45 m. ~~a~~-A natural gas transmission compressor station~~r~~.
- 46 n. ~~a~~-A liquefied natural gas (LNG) terminal ~~and~~-or
- 47 storage facility~~r~~.
- 48 o. A natural gas distribution facility, including, but
- 49 not limited to, a pipeline interconnection, a city gate or
- 50 town border station, a metering station, aboveground piping, a
- 51 regular station, or a natural gas ~~and~~-or hydrocarbon storage
- 52 or production facility~~r~~.
- 53 p. A mining ~~operations~~,operation.
- 54 q. ~~beneficiation~~-Beneficiation infrastructure ~~and~~-or
- 55 mining infrastructure~~r~~.
- 56 r. ~~and a~~-A transportation facility~~r~~ such as a port,



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57 airport, railroad operating facility, or trucking terminal.

58 s. Wireline or wireless telecommunications
59 infrastructure.

60 t. A gas processing plant, including a plant used in
61 the processing, treatment, or fractionation of natural gas or
62 natural gas liquids.

63 u. A steelmaking facility that uses an electric arc
64 furnace.

65 v. A dam that is regulated by the state or federal
66 government.

67 w. A crude oil or refined products storage or
68 distribution facility, including, but not limited to, a valve
69 site, a pipeline interconnection, a pump station, a metering
70 station, below ground piping, above ground piping, or a truck
71 loading or offloading facility.

72 ~~(2)~~ (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION
73 PURPOSES. A document ~~which~~ that is presented as being a bona
74 fide document that provides personal identification
75 information but which, in fact, is false, forged, altered, or
76 counterfeit.

77 ~~(3)~~ (4) PERSON. An individual, trust, estate,
78 corporation, partnership, limited partnership, limited
79 liability partnership, limited liability company, or
80 unincorporated nonprofit association having a separate legal
81 existence under state law.

82 ~~(4)~~ (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
83 vehicle that does not carry a human operator, uses aerodynamic
84 forces to provide vehicle lift, may fly autonomously through



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85 an onboard computer or be piloted remotely, and may be
86 expendable or recoverable. The term does not include a
87 satellite orbiting the Earth or a spacecraft beyond Earth's
88 atmosphere and may not be construed to implicate the provider
89 of a telecommunications link between an owner or operator of
90 an unmanned aircraft system and the unmanned aircraft system.

91 (b) A person commits the crime of unauthorized entry of
92 a critical infrastructure facility if the person does any of
93 the following:

94 (1) Intentionally enters without authority into any
95 structure or onto any premises belonging to another that
96 constitutes in whole or in part a critical infrastructure
97 facility that is completely enclosed by any type of physical
98 barrier or clearly marked with a sign or signs that are posted
99 in a conspicuous manner and indicate that unauthorized entry
100 is forbidden.

101 (2) Uses or attempts to use a fraudulent document for
102 identification for the purpose of entering a critical
103 infrastructure facility.

104 (3) Remains upon or on the premises of a critical
105 infrastructure facility after having been forbidden to do so,
106 either orally or in writing, by any owner, lessee, or
107 custodian of the property or by any other authorized person.

108 (4) Intentionally enters into a restricted area of a
109 critical infrastructure facility which is marked as a
110 restricted or limited access area that is completely enclosed
111 by any type of physical barrier when the person is not
112 authorized to enter the restricted or limited access area.



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113 (c) A person who commits the crime of unauthorized
114 entry of a critical infrastructure facility is guilty of a
115 Class A misdemeanor.

116 (d) If, during the commission of the crime of
117 unauthorized entry of a critical infrastructure facility, the
118 person injures, removes, destroys, or breaks critical
119 infrastructure property, or otherwise interrupts or interferes
120 with the operations of a critical infrastructure asset, the
121 person is guilty of a Class C felony.

122 (e) A person who commits the crime of unauthorized
123 entry of a critical infrastructure facility while possessing
124 or operating an unmanned aircraft system with an attached
125 weapon, firearm, explosive, destructive device, or ammunition
126 is guilty of a Class C felony.

127 (f) Nothing in this section shall be construed to
128 prevent lawful assembly and peaceful and orderly petition for
129 the redress of grievances, including, but not limited to, any
130 labor dispute between any employer and its employee.

131 (g) Nothing in this section shall be construed to
132 prohibit the state, a county, or a municipality from taking
133 any lawful action on their respective rights-of-way."

134 Section 2. This act shall become effective on October
135 1, 2024.