

HB453 INTRODUCED



1 HB453
2 IC7H66Z-1
3 By Representative Mooney
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 11-Apr-24



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SYNOPSIS:

Under existing law, it is unlawful for a person to intentionally enter without authority any critical infrastructure facility.

This bill would further provide for the definition of the terms "critical infrastructure" and "critical infrastructure facility."

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



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29 incapacity or destruction of the system or asset would have a
30 debilitating impact on security, national economic security,
31 national public health, or national public safety.

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

36 a. ~~a~~A chemical, polymer, or rubber manufacturing
37 facility~~.~~.

38 b. ~~a~~A pipeline~~.~~.

39 c. ~~a~~A refinery~~.~~.

40 d. ~~an~~An electrical power generating facility.

41 e. ~~and the~~The area surrounding ~~the~~an electrical power

42 generating facility~~.~~.

43 f. ~~an~~An electrical transmission tower.

44 g. ~~and~~An electrical substation ~~and~~or distribution

45 substation~~.~~.

46 h. ~~an~~An electric utility control center~~.~~.

47 i. Electrical communication equipment~~.~~.

48 j. ~~a~~An electrical switching station~~.~~.

49 k. Electric power lines, power storage equipment, or
50 other utility equipment.

51 l. ~~a~~A water intake structure~~and~~, water treatment
52 facility, or wastewater treatment plant or pump station.

53 m. ~~a~~A natural gas transmission compressor station~~.~~.

54 n. ~~a~~A liquefied natural gas (LNG) terminal ~~and~~or
55 storage facility~~.~~.

56 o. A natural gas distribution facility, including, but



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57 not limited to, a pipeline interconnection, a city gate or
58 town border station, a metering station, aboveground piping, a
59 regular station, or a natural gas ~~and-or~~ hydrocarbon storage
60 or production facility~~r~~.

61 p. A mining ~~operations,~~operation.

62 q. ~~beneficiation~~Beneficiation infrastructure ~~and-or~~
63 mining infrastructure~~r~~.

64 r. ~~and-a~~A transportation facility~~r~~ such as a port,
65 airport, railroad operating facility, or trucking terminal.

66 s. Wireline or wireless telecommunications
67 infrastructure.

68 t. A gas processing plant, including a plant used in
69 the processing, treatment, or fractionation of natural gas or
70 natural gas liquids.

71 u. A steelmaking facility that uses an electric arc
72 furnace.

73 v. A dam that is regulated by the state or federal
74 government.

75 w. A crude oil or refined products storage or
76 distribution facility, including, but not limited to, a valve
77 site, a pipeline interconnection, a pump station, a metering
78 station, below ground piping, above ground piping, or a truck
79 loading or offloading facility.

80 ~~(2)~~ (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION

81 PURPOSES. A document ~~which~~ that is presented as being a bona
82 fide document that provides personal identification
83 information but which, in fact, is false, forged, altered, or
84 counterfeit.



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85 ~~(3)~~ (4) PERSON. An individual, trust, estate,
86 corporation, partnership, limited partnership, limited
87 liability partnership, limited liability company, or
88 unincorporated nonprofit association having a separate legal
89 existence under state law.

90 ~~(4)~~ (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
91 vehicle that does not carry a human operator, uses aerodynamic
92 forces to provide vehicle lift, may fly autonomously through
93 an onboard computer or be piloted remotely, and may be
94 expendable or recoverable. The term does not include a
95 satellite orbiting the Earth or a spacecraft beyond Earth's
96 atmosphere and may not be construed to implicate the provider
97 of a telecommunications link between an owner or operator of
98 an unmanned aircraft system and the unmanned aircraft system.

99 (b) A person commits the crime of unauthorized entry of
100 a critical infrastructure facility if the person does any of
101 the following:

102 (1) Intentionally enters without authority into any
103 structure or onto any premises belonging to another that
104 constitutes in whole or in part a critical infrastructure
105 facility that is completely enclosed by any type of physical
106 barrier or clearly marked with a sign or signs that are posted
107 in a conspicuous manner and indicate that unauthorized entry
108 is forbidden.

109 (2) Uses or attempts to use a fraudulent document for
110 identification for the purpose of entering a critical
111 infrastructure facility.

112 (3) Remains upon or on the premises of a critical



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113 infrastructure facility after having been forbidden to do so,
114 either orally or in writing, by any owner, lessee, or
115 custodian of the property or by any other authorized person.

116 (4) Intentionally enters into a restricted area of a
117 critical infrastructure facility which is marked as a
118 restricted or limited access area that is completely enclosed
119 by any type of physical barrier when the person is not
120 authorized to enter the restricted or limited access area.

121 (c) A person who commits the crime of unauthorized
122 entry of a critical infrastructure facility is guilty of a
123 Class A misdemeanor.

124 (d) If, during the commission of the crime of
125 unauthorized entry of a critical infrastructure facility, the
126 person injures, removes, destroys, or breaks critical
127 infrastructure property, or otherwise interrupts or interferes
128 with the operations of a critical infrastructure asset, the
129 person is guilty of a Class C felony.

130 (e) A person who commits the crime of unauthorized
131 entry of a critical infrastructure facility while possessing
132 or operating an unmanned aircraft system with an attached
133 weapon, firearm, explosive, destructive device, or ammunition
134 is guilty of a Class C felony.

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

139 Section 2. This act shall become effective on October
140 1, 2024.