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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3693

03/12/2018 Authored by Smith, Fabian, O'Neill, Zerwas, Loonan and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Security Policy and Finance
03/29/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; creating liability and vicarious liability for trespass to
1.3 critical infrastructure; creating a crime for recruiting or educating individuals to
1.4 trespass on or damage critical infrastructure; amending Minnesota Statutes 2016,
1.5 sections 609.594, subdivision 2; 609.6055, subdivision 2; proposing coding for
1.6 new law in Minnesota Statutes, chapter 604.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. 604.135 CRITICAL INFRASTRUCTURE; VICARIOUS LIABILITY.

1.9 (a) A person who is arrested for or convicted of trespass under section 609.6055 or
1.10 609.594 may be held liable for any damages to personal or real property while trespassing.

1.11 (b) A person or entity that recruits, trains, aids, advises, hires, counsels, or conspires
1.12 with or otherwise procures another to trespass as described in paragraph (a) may also be
1.13 held vicariously liable for any damages to personal or real property committed by the
1.14 individual arrested or convicted under section 609.6055 or 609.594.

1.15 (c) A labor organization shall not be subject to this provision if, as part of its training,
1.16 it informs employees annually that trespassing and damaging property is not sanctioned or
1.17 allowable activity related to a strike.

1.18 (d) As used in this section, the terms defined in this paragraph have the meanings given
1.19 them:

1.20 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;

1.21 (2) "employee" has the meaning given in section 179.01, subdivision 4; and

1.22 (3) "strike" has the meaning given in section 179.01, subdivision 8.

2.1 **EFFECTIVE DATE.** This section is effective on August 1, 2018, and applies to causes
2.2 of action brought on or after that date.

2.3 Sec. 2. Minnesota Statutes 2016, section 609.594, subdivision 2, is amended to read:

2.4 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever causes damage to the physical
2.5 property of a critical public service facility, utility, or pipeline with the intent to significantly
2.6 disrupt the operation of or the provision of services by the facility, utility, or pipeline and
2.7 without the consent of one authorized to give consent, is guilty of a felony and may be
2.8 sentenced to imprisonment for not more than ten years or to payment of a fine of not more
2.9 than \$20,000, or both.

2.10 (b) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires
2.11 with or otherwise procures another to commit a violation of paragraph (a) is guilty of a
2.12 felony and may be sentenced to imprisonment for not more than ten years or to payment of
2.13 a fine of not more than \$20,000, or both, if a violation is committed and the person fails to
2.14 make a reasonable effort to prevent the violation.

2.15 (c) A labor organization shall not be subject to this provision if, as part of its training,
2.16 it informs employees annually that trespassing and damaging property is not sanctioned or
2.17 allowable activity related to a strike.

2.18 (d) As used in this section, the terms defined in this paragraph have the meanings given
2.19 them:

2.20 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;

2.21 (2) "employee" has the meaning given in section 179.01, subdivision 4; and

2.22 (3) "strike" has the meaning given in section 179.01, subdivision 8.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.24 committed on or after that date.

2.25 Sec. 3. Minnesota Statutes 2016, section 609.6055, subdivision 2, is amended to read:

2.26 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property
2.27 containing a critical public service facility, utility, or pipeline, without claim of right or
2.28 consent of one who has the right to give consent to be on the property, is guilty of a gross
2.29 misdemeanor, if:

2.30 (1) the person refuses to depart from the property on the demand of one who has the
2.31 right to give consent;

3.1 (2) within the past six months, the person had been told by one who had the right to give
3.2 consent to leave the property and not to return, unless a person with the right to give consent
3.3 has given the person permission to return; or

3.4 (3) the property is posted.

3.5 (b) Whoever enters an underground structure that (1) contains a utility line or pipeline
3.6 and (2) is not open to the public for pedestrian use, without claim of right or consent of one
3.7 who has the right to give consent to be in the underground structure, is guilty of a gross
3.8 misdemeanor. The underground structure does not need to be posted for this paragraph to
3.9 apply.

3.10 (c) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires
3.11 with or otherwise procures another to commit a violation of paragraph (a) is guilty of a
3.12 gross misdemeanor if a violation is committed and the person fails to make a reasonable
3.13 effort to prevent the violation.

3.14 (d) A labor organization shall not be subject to this provision if, as part of its training,
3.15 it informs employees annually that trespassing and damaging property is not sanctioned or
3.16 allowable activity related to a strike.

3.17 (e) As used in this section, the terms defined in this paragraph have the meanings given
3.18 them:

3.19 (1) "labor organization" has the meaning given in section 179.01, subdivision 6;

3.20 (2) "employee" has the meaning given in section 179.01, subdivision 4; and

3.21 (3) "strike" has the meaning given in section 179.01, subdivision 8.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
3.23 committed on or after that date.