

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3463

(SENATE AUTHORS: UTKE, Bakk, Anderson, B., Tomassoni and Eichorn)

DATE	D-PG	OFFICIAL STATUS
03/15/2018	6522	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/19/2018	6794	Author added Tomassoni
04/09/2018		Comm report: To pass as amended Second reading Author stricken Limmer Author added Eichorn

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 section 609.6055, subdivision 2; proposing coding for new law in Minnesota

1.6 Statutes, chapter 604.

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

1.8 Section 1. [604.135] CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL

1.9 LIABILITY.

1.10 (a) A person who is convicted of trespass under section 609.6055 or damage to property

1.11 under section 609.594, or is arrested for a violation of one or both of those sections and

1.12 convicted of another offense arising out of the same behavioral incident, may be held liable

1.13 for any damages to personal or real property committed by the person while trespassing or

1.14 causing damage to property.

1.15 (b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels,

1.16 conspires with, or otherwise procures another for the purpose of trespassing or causing

1.17 damage to property as described in paragraph (a) may also be jointly and severably liable

1.18 for the damages under paragraph (a).

1.19 EFFECTIVE DATE. This section is effective on August 1, 2018, and applies to causes

1.20 of action arising on or after that date.

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

1.22 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property

1.23 containing a critical public service facility, utility, or pipeline, without claim of right or

2.1 consent of one who has the right to give consent to be on the property, is guilty of a gross
2.2 misdemeanor, if:

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

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

2.8 (3) the property is posted.

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

2.14 (c) Unless a greater penalty is provided elsewhere, whoever violates this section with
2.15 intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit
2.16 operation, is guilty of a felony and may be sentenced to imprisonment for not more than
2.17 three years or to payment of a fine of not more than \$5,000, or both.

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