

1 SB217
2 173518-4
3 By Senators Ward and Holtzclaw
4 RFD: Judiciary
5 First Read: 11-FEB-16

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to crimes and offenses; to enact the crime
12 of unlawful entry of a critical infrastructure and to provide
13 criminal penalties; and in connection therewith would have as
14 its purpose or effect the requirement of a new or increased
15 expenditure of local funds within the meaning of Amendment 621
16 of the Constitution of Alabama of 1901, now appearing as
17 Section 111.05 of the Official Recompilation of the
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) For the purposes of this section, the
21 following words have the following meanings:

22 (1) CRITICAL INFRASTRUCTURE. The term includes, but
23 is not limited to, a chemical manufacturing facility, a
24 refinery, an electrical power generating facility and the area
25 surrounding the facility, an electrical transmission tower and
26 substation and distribution substation, an electric utility
27 control center, communication equipment, a switching station,

1 a water intake structure and water treatment facility, a
2 natural gas transmission compressor station, a liquefied
3 natural gas (LNG) terminal and storage facility, a natural gas
4 and hydrocarbon storage facility, and a transportation
5 facility, such as a port, railroad operating facility, or
6 trucking terminal.

7 (2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION

8 PURPOSES. A document which is presented as being a bona fide
9 document that provides personal identification information but
10 which, in fact, is false, forged, altered, or counterfeit.

11 (b) A person commits the crime of unauthorized entry
12 of a critical infrastructure if the person does any of the
13 following:

14 (1) Intentionally enters without authority into any
15 structure or onto any premises belonging to another that
16 constitutes in whole or in part a critical infrastructure that
17 is completely enclosed by any type of physical barrier or
18 clearly marked with a sign or signs that are posted in a
19 conspicuous manner and indicate that unauthorized entry is
20 forbidden.

21 (2) Uses or attempts to use a fraudulent document
22 for identification for the purpose of entering a critical
23 infrastructure.

24 (3) Remains upon or on the premises of a critical
25 infrastructure after having been forbidden to do so, either
26 orally or in writing, by any owner, lessee, or custodian of
27 the property or by any other authorized person.

1 (4) Intentionally enters into a restricted area of a
2 critical infrastructure which is marked as a restricted or
3 limited access area that is completely enclosed by any type of
4 physical barrier when the person is not authorized to enter
5 the restricted or limited access area.

6 (c) A person who commits the crime of unauthorized
7 entry of a critical infrastructure is guilty of a Class A
8 misdemeanor.

9 (d) Nothing in this section shall be construed to
10 prevent lawful assembly and peaceful and orderly petition for
11 the redress of grievances, including, but not limited to, any
12 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, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

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

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17

Senate

Read for the first time and referred to the Senate committee on Judiciary.....	11-FEB-16
Reported from Judiciary as Favorable with 1 amend- ment.....	25-FEB-16
Read for the third time and passed as amended	10-MAR-16

Yeas 29
Nays 0

Patrick Harris
Secretary