

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

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8 SYNOPSIS: Under existing law, a person is guilty of
9 criminal trespass if the person enters or remains
10 unlawfully on property without permission of the
11 owner. A violation is a misdemeanor.

12 This bill would establish a specific crime
13 of unlawful entry of a critical infrastructure. A
14 violation would be a Class D felony.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 (1) CRITICAL INFRASTRUCTURE. The term includes, but
25 is not limited to, a chemical manufacturing facility, a
26 refinery, an electrical power generating facility and the area
27 surrounding the facility, an electrical transmission tower

1 substation and distribution substation, an electric utility
2 control center, communication equipment, a switching station,
3 a water intake structure and water treatment facility, a
4 natural gas transmission compressor station, a liquefied
5 natural gas (LNG) terminal and storage facility, a natural gas
6 and hydrocarbon storage facility, and a transportation
7 facility, such as a port, railroad switching yard, or trucking
8 terminal.

9 (2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION

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

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

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

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

26 (3) Remains upon or on the premises of a critical
27 infrastructure after having been forbidden to do so, either

1 orally or in writing, by any owner, lessee, or custodian of
2 the property or by any other authorized person.

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

8 (c) A person who commits the crime of unauthorized
9 entry of a critical infrastructure is guilty of a Class D
10 felony.

11 (d) Nothing in this section shall be construed to
12 prevent lawful assembly and peaceful and orderly petition for
13 the redress of grievances, including, but not limited to, any
14 labor dispute between any employer and its employee.

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

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