

1 SB17
2 211062-2
3 By Senator Gudger
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 12/15/2021

1 SB17

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to critical infrastructure; to amend
12 Section 13A-7-4.3, Code of Alabama 1975; to further provide
13 for the crime of unauthorized entry of a critical
14 infrastructure, including by certain unmanned aircraft
15 systems; to provide additional penalties; and in connection
16 therewith to have as its purpose or effect the requirement of
17 a new or increased expenditure of local funds within the
18 meaning of Amendment 621 of the Constitution of Alabama of
19 1901, as amended by Amendment 890, now appearing as Section
20 111.05 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 13A-7-4.3, Code of Alabama 1975,
24 is amended to read as follows:

25 "§13A-7-4.3.

26 "(a) For the purposes of this section, the following
27 words have the following meanings:

1 "(1) CRITICAL INFRASTRUCTURE. The term includes, but
2 is not limited to, a chemical manufacturing facility, a
3 pipeline, a refinery, an electrical power generating facility
4 and the area surrounding the facility, an electrical
5 transmission tower and substation and distribution substation,
6 an electric utility control center, communication equipment, a
7 switching station, a water intake structure and water
8 treatment facility, a natural gas transmission compressor
9 station, a liquefied natural gas (LNG) terminal and storage
10 facility, a natural gas and hydrocarbon storage or production
11 facility, mining operations, beneficiation infrastructure and
12 mining infrastructure, and a transportation facility, such as
13 a port, airport, railroad operating facility, or trucking
14 terminal.

15 "(2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION
16 PURPOSES. A document which is presented as being a bona fide
17 document that provides personal identification information but
18 which, in fact, is false, forged, altered, or counterfeit.

19 "(3) PERSON. An individual, trust, estate,
20 corporation, partnership, limited partnership, limited
21 liability partnership, limited liability company, or
22 unincorporated nonprofit association having a separate legal
23 existence under state law.

24 "(4) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
25 vehicle that does not carry a human operator, uses aerodynamic
26 forces to provide vehicle lift, may fly autonomously through
27 an onboard computer or be piloted remotely, and may be

1 expendable or recoverable. The term does not include a
2 satellite orbiting the Earth or a spacecraft beyond Earth's
3 atmosphere and may not be construed to implicate the provider
4 of a telecommunications link between an owner or operator of
5 an unmanned aircraft system and the unmanned aircraft system.

6 "(b) A person commits the crime of unauthorized
7 entry of a critical infrastructure if the person does any of
8 the following:

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

16 "(2) Uses or attempts to use a fraudulent document
17 for identification for the purpose of entering a critical
18 infrastructure.

19 "(3) Remains upon or on the premises of a critical
20 infrastructure after having been forbidden to do so, either
21 orally or in writing, by any owner, lessee, or custodian of
22 the property or by any other authorized person.

23 "(4) Intentionally enters into a restricted area of
24 a critical infrastructure which is marked as a restricted or
25 limited access area that is completely enclosed by any type of
26 physical barrier when the person is not authorized to enter
27 the restricted or limited access area.

1 "(c) A person who commits the crime of unauthorized
2 entry of a critical infrastructure is guilty of a Class A
3 misdemeanor.

4 "(d) If, during the commission of the crime of
5 unauthorized entry of a critical infrastructure, the person
6 injures, removes, destroys, or breaks critical infrastructure
7 property, or otherwise interrupts or interferes with the
8 operations of a critical infrastructure asset, the person is
9 guilty of a Class C felony.

10 "(e) A person who commits the crime of unauthorized
11 entry of a critical infrastructure while possessing or
12 operating an unmanned aircraft system with an attached weapon,
13 firearm, explosive, destructive device, or ammunition is
14 guilty of a Class C felony.

15 "~~(d)~~ (f) Nothing in this section shall be construed
16 to prevent lawful assembly and peaceful and orderly petition
17 for the redress of grievances, including, but not limited to,
18 any labor dispute between any employer and its employee."

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, as amended
23 by Amendment 890, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of Alabama of 1901,
25 as amended, because the bill defines a new crime or amends the
26 definition of an existing crime.

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

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Senate

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| Read for the first time and referred to the Senate committee on Judiciary..... | 11-JAN-22 |
| Read for the second time and placed on the calen- dar..... | 18-JAN-22 |
| Read for the third time and passed as amended | 01-FEB-22 |

Yeas 32
Nays 0

Patrick Harris,
Secretary.