

HB453 ENGROSSED



1 HB453
2 3GPMZEEZ-2
3 By Representative Mooney
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 11-Apr-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-7-4.3, Code of Alabama 1975; to further provide for the crime of unauthorized entry of a critical infrastructure facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-7-4.3

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

(1) CRITICAL INFRASTRUCTURE. A system or asset, whether physical or virtual, so vital to the United States that the incapacity or destruction of the system or asset would have a debilitating impact on security, national economic security, national public health, or national public safety.

~~(1)~~ (2) CRITICAL INFRASTRUCTURE FACILITY. The term includes, but is not limited to, any of the following, including any critical infrastructure located on or in any of the following types of facilities:

a. a—A chemical, polymer, or rubber manufacturing



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- 29 facility~~r~~.
- 30 b. a~~A~~ pipeline~~r~~.
- 31 c. a~~A~~ refinery~~r~~.
- 32 d. an~~An~~ electrical power generating facility.
- 33 e. and the~~The~~ area surrounding ~~the~~ an electrical power
- 34 generating facility~~r~~.
- 35 f. an~~An~~ electrical transmission tower.
- 36 g. and~~An~~ electrical substation ~~and~~ or distribution
- 37 substation~~r~~.
- 38 h. an~~An~~ electric utility control center~~r~~.
- 39 i. Electrical communication equipment~~r~~.
- 40 j. a~~An~~ electrical switching station~~r~~.
- 41 k. Electric power lines, power storage equipment, or
- 42 other utility equipment.
- 43 l. a ~~A~~ water intake structure ~~and,~~ water treatment
- 44 facility, or wastewater treatment plant or pump station. Any
- 45 portion of a public water system or public wastewater
- 46 treatment system.
- 47 m. a~~A~~ natural gas transmission compressor station~~r~~.
- 48 n. a~~A~~ liquefied natural gas (LNG) terminal ~~and~~ or
- 49 storage facility~~r~~.
- 50 o. A natural gas distribution facility, including, but
- 51 not limited to, a pipeline interconnection, a city gate or
- 52 town border station, a metering station, aboveground piping, a
- 53 regular station, or a natural gas ~~and~~ or hydrocarbon storage
- 54 or production facility~~r~~.
- 55 p. A mining ~~operations,~~ operation.
- 56 q. beneficiation~~Beneficiation~~ infrastructure ~~and~~ or



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57 mining infrastructure~~r~~.

58 r. and a ~~A~~ transportation facility~~r~~, such as a port,
59 airport, railroad operating facility, or trucking terminal.

60 s. Wireline or wireless telecommunications
61 communications infrastructure.

62 t. A gas processing plant, including a plant used in
63 the processing, treatment, or fractionation of natural gas or
64 natural gas liquids.

65 u. A steelmaking facility that uses an electric arc
66 furnace.

67 v. A dam that is regulated by the state or federal
68 government.

69 w. A crude oil or refined products storage or
70 distribution facility, including, but not limited to, a valve
71 site, a pipeline interconnection, a pump station, a metering
72 station, below ground piping, above ground piping, or a truck
73 loading or offloading facility.

74 ~~(2)~~ (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION
75 PURPOSES. A document ~~which~~ that is presented as being a bona
76 fide document that provides personal identification
77 information but which, in fact, is false, forged, altered, or
78 counterfeit.

79 ~~(3)~~ (4) PERSON. An individual, trust, estate,
80 corporation, partnership, limited partnership, limited
81 liability partnership, limited liability company, or
82 unincorporated nonprofit association having a separate legal
83 existence under state law.

84 ~~(4)~~ (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial



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85 vehicle that does not carry a human operator, uses aerodynamic
86 forces to provide vehicle lift, may fly autonomously through
87 an onboard computer or be piloted remotely, and may be
88 expendable or recoverable. The term does not include a
89 satellite orbiting the Earth or a spacecraft beyond Earth's
90 atmosphere and may not be construed to implicate the provider
91 of a telecommunications link between an owner or operator of
92 an unmanned aircraft system and the unmanned aircraft system.

93 (b) A person commits the crime of unauthorized entry of
94 a critical infrastructure facility if the person does any of
95 the following:

96 (1) Intentionally enters without authority into any
97 structure or onto any premises belonging to another that
98 constitutes in whole or in part a critical infrastructure
99 facility that is completely enclosed by any type of physical
100 barrier or clearly marked with a sign or signs that are posted
101 in a conspicuous manner and indicate that unauthorized entry
102 is forbidden.

103 (2) Uses or attempts to use a fraudulent document for
104 identification for the purpose of entering a critical
105 infrastructure facility.

106 (3) Remains upon or on the premises of a critical
107 infrastructure facility after having been forbidden to do so,
108 either orally or in writing, by any owner, lessee, or
109 custodian of the property or by any other authorized person.

110 (4) Intentionally enters into a restricted area of a
111 critical infrastructure facility which is marked as a
112 restricted or limited access area that is completely enclosed



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113 by any type of physical barrier when the person is not
114 authorized to enter the restricted or limited access area.

115 (c) A person who commits the crime of unauthorized
116 entry of a critical infrastructure facility is guilty of a
117 Class A misdemeanor.

118 (d) If, during the commission of the crime of
119 unauthorized entry of a critical infrastructure facility, the
120 person injures, removes, destroys, or breaks critical
121 infrastructure property, or otherwise interrupts or interferes
122 with the operations of a critical infrastructure asset, the
123 person is guilty of a Class C felony.

124 (e) A person who commits the crime of unauthorized
125 entry of a critical infrastructure facility while possessing
126 or operating an unmanned aircraft system with an attached
127 weapon, firearm, explosive, destructive device, or ammunition
128 is guilty of a Class C felony.

129 (f) Nothing in this section shall be construed to
130 prevent lawful assembly and peaceful and orderly petition for
131 the redress of grievances, including, but not limited to, any
132 labor dispute between any employer and its employee.

133 (g) Nothing in this section shall be construed to
134 prohibit the state, a county, or a municipality from taking
135 any lawful action on their respective rights-of-way."

136 Section 2. This act shall become effective on October
137 1, 2024.



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House of Representatives

Read for the first time and referred11-Apr-24
to the House of Representatives
committee on Transportation,
Utilities and Infrastructure
Read for the second time and placed18-Apr-24
on the calendar:
1 amendment
Read for the third time and passed25-Apr-24
as amended
Yeas 102
Nays 0
Abstains 1

John Treadwell
Clerk