

HB453 ENROLLED



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



HB453 Enrolled

1 Enrolled, An Act,

2

3 Relating to crimes and offenses; to amend Section
4 13A-7-4.3, Code of Alabama 1975; to further provide for the
5 crime of unauthorized entry of a critical infrastructure
6 facility.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§13A-7-4.3

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

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

18 ~~(1)~~ (2) CRITICAL INFRASTRUCTURE FACILITY. The term
19 includes, but is not limited to, any of the following,
20 including any critical infrastructure located on or in any of
21 the following types of facilities:

22 a. ~~a~~A chemical, polymer, or rubber manufacturing
23 facility.

24 b. ~~a~~A pipeline.

25 c. ~~a~~A refinery.

26 d. ~~an~~An electrical power generating facility.

27 e. ~~and the~~The area surrounding ~~the~~an electrical power
28 generating facility.



HB453 Enrolled

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



HB453 Enrolled

57 the processing, treatment, or fractionation of natural gas or
58 natural gas liquids.

59 u. A steelmaking facility that uses an electric arc
60 furnace.

61 v. A dam that is regulated by the state or federal
62 government.

63 w. A crude oil or refined products storage or
64 distribution facility, including, but not limited to, a valve
65 site, a pipeline interconnection, a pump station, a metering
66 station, below ground piping, above ground piping, or a truck
67 loading or offloading facility.

68 ~~(2)~~ (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION
69 PURPOSES. A document ~~which~~ that is presented as being a bona
70 fide document that provides personal identification
71 information but which, in fact, is false, forged, altered, or
72 counterfeit.

73 ~~(3)~~ (4) PERSON. An individual, trust, estate,
74 corporation, partnership, limited partnership, limited
75 liability partnership, limited liability company, or
76 unincorporated nonprofit association having a separate legal
77 existence under state law.

78 ~~(4)~~ (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
79 vehicle that does not carry a human operator, uses aerodynamic
80 forces to provide vehicle lift, may fly autonomously through
81 an onboard computer or be piloted remotely, and may be
82 expendable or recoverable. The term does not include a
83 satellite orbiting the Earth or a spacecraft beyond Earth's
84 atmosphere and may not be construed to implicate the provider



HB453 Enrolled

85 of a telecommunications link between an owner or operator of
86 an unmanned aircraft system and the unmanned aircraft system.

87 (b) A person commits the crime of unauthorized entry of
88 a critical infrastructure facility if the person does any of
89 the following:

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

97 (2) Uses or attempts to use a fraudulent document for
98 identification for the purpose of entering a critical
99 infrastructure facility.

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

104 (4) Intentionally enters into a restricted area of a
105 critical infrastructure facility which is marked as a
106 restricted or limited access area that is completely enclosed
107 by any type of physical barrier when the person is not
108 authorized to enter the restricted or limited access area.

109 (c) A person who commits the crime of unauthorized
110 entry of a critical infrastructure facility is guilty of a
111 Class A misdemeanor.

112 (d) If, during the commission of the crime of



HB453 Enrolled

113 unauthorized entry of a critical infrastructure facility, the
114 person injures, removes, destroys, or breaks critical
115 infrastructure property, or otherwise interrupts or interferes
116 with the operations of a critical infrastructure asset, the
117 person is guilty of a Class C felony.

118 (e) A person who commits the crime of unauthorized
119 entry of a critical infrastructure facility while possessing
120 or operating an unmanned aircraft system with an attached
121 weapon, firearm, explosive, destructive device, or ammunition
122 is guilty of a Class C felony.

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

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

130 Section 2. This act shall become effective on October
131 1, 2024.

