



SYNOPSIS:

Under existing law, a critical infrastructure is a system or asset so vital to the United States that its incapacity or destruction would have a debilitating impact on the nation's security, economy, public health, or public safety. Various facilities are enumerated as critical infrastructure facilities and are protected by law.

This bill would further provide for the term "critical infrastructure facility" to include communications service infrastructure or facilities, defense contractor facilities, and pulp and paper manufacturing facilities.

This bill would further provide for the crimes of unauthorized entry of a critical infrastructure facility and criminal tampering in the first and second degrees to further provide requisite criminal intent.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-7-4.3, Code of Alabama 1975, as last amended by Act



2024-395, 2024 Regular Session, and Sections 13A-7-25 and 13A-7-26, Code of Alabama 1975, to further provide for the definition of "critical infrastructure facility"; to further provide for the crime of unauthorized entry of a critical infrastructure facility; and to further provide for the crimes of criminal tampering in the first and second degrees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-4.3, Code of Alabama 1975, as last amended by Act 2024-395, 2024 Regular Session, and Sections 13A-7-25 and 13A-7-26, Code of Alabama 1975, are amended to read as follows:

"§13A-7-4.3

(a) For the purposes of this section, the following ~~word~~terms 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.

(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 chemical, polymer, or rubber manufacturing facility.
- b. A pipeline.
- c. A refinery.
- d. An electrical power generating facility.



57 e. The area surrounding an electrical power generating
58 facility.

59 f. An electrical transmission tower.

60 g. An electrical substation or distribution substation.

61 h. An electric utility control center.

62 i. Electrical communication equipment.

63 j. An electrical switching station.

64 k. Electric power lines, power storage equipment, or
65 other utility equipment.

66 l. Any portion of a public water system or public
67 wastewater treatment system.

68 m. A natural gas transmission compressor station.

69 n. A liquefied natural gas (LNG) terminal or storage
70 facility.

71 o. A natural gas distribution facility, including, but
72 not limited to, a pipeline interconnection, a city gate or
73 town border station, a metering station, aboveground piping, a
74 regular station, or a natural gas or hydrocarbon storage or
75 production facility.

76 p. A mining operation.

77 q. Beneficiation infrastructure or mining
78 infrastructure.

79 r. A transportation facility such as a port, airport,
80 railroad operating facility, or trucking terminal.

81 s. ~~Wireline or wireless communications~~
82 ~~infrastructure~~ Communications service infrastructure or
83 facilities, as defined under Section 37-17-1.

84 t. A gas processing plant, including a plant used in



85 the processing, treatment, or fractionation of natural gas or
86 natural gas liquids.

87 u. A steelmaking facility that uses an electric arc
88 furnace.

89 v. A dam that is regulated by the state or federal
90 government.

91 w. A crude oil or refined products storage or
92 distribution facility, including, but not limited to, a valve
93 site, a pipeline interconnection, a pump station, a metering
94 station, below ground piping, above ground piping, or a truck
95 loading or offloading facility.

96 x. A defense contractor facility.

97 y. A pulp and paper manufacturing facility.

98 (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION PURPOSES. A
99 document that is presented as being a bona fide document that
100 provides personal identification information but which, in
101 fact, is false, forged, altered, or counterfeit.

102 (4) PERSON. An individual, trust, estate, corporation,
103 partnership, limited partnership, limited liability
104 partnership, limited liability company, or unincorporated
105 nonprofit association having a separate legal existence under
106 state law.

107 (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial vehicle
108 that does not carry a human operator, uses aerodynamic forces
109 to provide vehicle lift, may fly autonomously through an
110 onboard computer or be piloted remotely, and may be expendable
111 or recoverable. The term does not include a satellite orbiting
112 the Earth or a spacecraft beyond Earth's atmosphere and may



not be construed to implicate the provider of a telecommunications link between an owner or operator of an unmanned aircraft system and the unmanned aircraft system.

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

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

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

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

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

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



(d) ~~If, during the commission of the crime of unauthorized entry of a critical infrastructure facility, the~~
a person intentionally, recklessly, or with criminal negligence injures, removes, destroys, or breaks critical infrastructure property, or otherwise interrupts or interferes with the operations of a critical infrastructure asset, the person is guilty of a Class C felony.

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

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

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

(h) Nothing in subsection (b) or (d) shall apply to any act committed by a person within the scope of his or her employment. For purposes of this subsection, the scope of a person's employment shall include the performance of actions that are necessary for the performance of a lawful work assignment."

"§13A-7-25

(a) A person commits the crime of criminal tampering in the first degree if the person does any of the following:



169 (1) Having no right to do so or any reasonable ground
170 to believe that he or she has such a right, intentionally or
171 recklessly causes substantial interruption or impairment of a
172 service rendered to the public by a utility.

173 (2) Threatens an individual with a deadly weapon or
174 dangerous instrument with the intent to obstruct the operation
175 of a utility. This subdivision only applies if the individual
176 is working under the procedures and within the scope of his or
177 her duties as an employee of the utility and has properly
178 identified himself or herself when asked by stating his or her
179 name, employer, and purpose of work.

180 (b) Criminal tampering in the first degree is a Class C
181 felony.

182 (c) Nothing in this section shall be construed to
183 prohibit the state, a county, or a municipality from taking
184 any lawful action on its respective rights-of-way."

185 "§13A-7-26

186 (a) A person commits the crime of criminal tampering in
187 the second degree if, having no right to do so or any
188 reasonable ground to believe that he or she has such a right,
189 ~~he~~ the person:

190 (1) Intentionally or recklessly tampers with property
191 of another for the purpose of causing substantial
192 inconvenience to that person or to another; or

193 (2) Intentionally or recklessly tampers or makes
194 connection with property of a utility.

195 (b) Criminal tampering in the second degree is a Class
196 B misdemeanor.



197 (c) Nothing in this section shall be construed to
198 prohibit the state, a county, or a municipality from taking
199 any lawful action on its respective rights-of-way."

200 Section 2. This act shall become effective on October
201 1, 2025.