

HB290 INTRODUCED



1 HB290
2 KHPPDU5-1
3 By Representatives Mooney, Carns, Bolton, Easterbrook,
4 Fincher, Faulkner, Kiel, Shedd, DuBose, Stadthagen
5 RFD: State Government
6 First Read: 13-Feb-25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

This bill would also 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



HB290 INTRODUCED

29 13A-7-26, Code of Alabama 1975, to further provide for the
30 definition of "critical infrastructure facility;" to further
31 provide for the crime of unauthorized entry of a critical
32 infrastructure facility; and to further provide for the crimes
33 of criminal tampering in the first and second degrees.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

39 "§13A-7-4.3

40 (a) For the purposes of this section, the following
41 ~~word~~terms have the following meanings:

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

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

51 a. A chemical, polymer, or rubber manufacturing
52 facility.

53 b. A pipeline.

54 c. A refinery.

55 d. An electrical power generating facility.

56 e. The area surrounding an electrical power generating



HB290 INTRODUCED

57 facility.

58 f. An electrical transmission tower.

59 g. An electrical substation or distribution substation.

60 h. An electric utility control center.

61 i. Electrical communication equipment.

62 j. An electrical switching station.

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

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

67 m. A natural gas transmission compressor station.

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

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

75 p. A mining operation.

76 q. Beneficiation infrastructure or mining
77 infrastructure.

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

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

83 t. A gas processing plant, including a plant used in
84 the processing, treatment, or fractionation of natural gas or



HB290 INTRODUCED

85 natural gas liquids.

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

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

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

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

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

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



HB290 INTRODUCED

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

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

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

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

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

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

138 ~~If, during the commission of the crime of~~
139 ~~unauthorized entry of a critical infrastructure facility, the~~
140 a person intentionally, recklessly, or with criminal



HB290 INTRODUCED

141 negligence injures, removes, destroys, or breaks critical
142 infrastructure property, or otherwise interrupts or interferes
143 with the operations of a critical infrastructure asset, the
144 person is guilty of a Class C felony.

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

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

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

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

163 "§13A-7-25

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

166 (1) Having no right to do so or any reasonable ground
167 to believe that he or she has such a right, intentionally or
168 recklessly causes substantial interruption or impairment of a



HB290 INTRODUCED

169 service rendered to the public by a utility.

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

177 (b) Criminal tampering in the first degree is a Class C
178 felony.

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

182 "§13A-7-26

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

187 (1) Intentionally or recklessly tampers with property
188 of another for the purpose of causing substantial
189 inconvenience to that person or to another; or

190 (2) Intentionally or recklessly tampers or makes
191 connection with property of a utility.

192 (b) Criminal tampering in the second degree is a Class
193 B misdemeanor.

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



HB290 INTRODUCED

197 Section 2. This act shall become effective on October
198 1, 2025.