



House Judiciary Reported Substitute for HB412

A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to amend Section 13A-7-4.3, as last amended by Act 2024-395, 2024 Regular Session, Code of Alabama 1975, to further provide for the crime of unauthorized entry of a critical infrastructure facility; and to amend Section 13A-7-25, Code of Alabama 1975, to further provide for the crime of criminal tampering in the first degree.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(2) CRITICAL INFRASTRUCTURE FACILITY. The term

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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.
- e. The area surrounding an electrical power generating facility.
- f. An electrical transmission tower.
- g. An electrical substation or distribution substation.
- h. An electric utility control center.
- i. Electrical communication equipment.
- j. An electrical switching station.
- k. Electric power lines, power storage equipment, or other utility equipment.
- l. Any portion of a public water system or public wastewater treatment system.
- m. A natural gas transmission compressor station.
- n. A liquefied natural gas (LNG) terminal or storage facility.
- o. A natural gas distribution facility, including, but not limited to, a pipeline interconnection, a city gate or town border station, a metering station, aboveground piping, a regular station, or a natural gas or hydrocarbon storage or production facility.
- p. A mining operation.

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q. Beneficiation infrastructure or mining infrastructure.

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

s. Wireline or wireless communications infrastructure.

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

u. A ~~steelmaking~~ facility that uses an electric arc furnace.

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

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

(3) CRITICAL INFRASTRUCTURE PROPERTY. Any real or personal property necessary to the operation of a critical infrastructure facility, including, but not limited to, any equipment, commodity, hardware, software, or other digital or electronic property.

~~(3)~~ (4) FRAUDULENT DOCUMENTS FOR IDENTIFICATION PURPOSES. A document that is presented as being a bona fide document that provides personal identification information but which, in fact, is false, forged, altered, or counterfeit.

~~(4)~~ (5) PERSON. An individual, trust, estate, corporation, partnership, limited partnership, limited

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liability partnership, limited liability company, or
unincorporated nonprofit association having a separate legal
existence under state law.

~~(5)~~ (6) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
vehicle that does not carry a human operator, uses aerodynamic
forces to provide vehicle lift, may fly autonomously through
an onboard computer or be piloted remotely, and may be
expendable or recoverable. The term does not include a
satellite orbiting 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

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custodian of the property or by any other authorized person.

(4) Intentionally enters into a restricted area of a critical infrastructure facility which is marked as a restricted or limited access area 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~~Class D felony.

(d) (1) If, during the commission of the crime of unauthorized entry of a critical infrastructure facility, the person 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~~Class B felony.

(2) If, during the commission of the crime of unauthorized entry of a critical infrastructure facility, the person attempts to injure, remove, destroy, or break critical infrastructure property, or otherwise attempts to interrupt or interfere with the operations of a critical infrastructure asset, the person is guilty of a Class B 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

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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."

"§13A-7-25

(a) A person commits the crime of criminal tampering in the first degree if ~~the person~~ he or she does ~~any~~ either of the following:

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

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

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

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