

**SB164 INTRODUCED**



1 SB164  
2 Y9JANN6-1  
3 By Senators Orr, Butler  
4 RFD: State Governmental Affairs  
5 First Read: 12-Feb-25



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SYNOPSIS:

Under existing law, a person commits the crime of unauthorized entry of a critical infrastructure facility if he or she intentionally enters a critical infrastructure facility without authority.

This bill would provide that the operation of an unmanned aircraft system within a vertical distance of 200 feet of a critical infrastructure facility constitutes an unauthorized entry of a critical infrastructure facility.

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, 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, as last amended by Act 2024-395, 2024 Regular Session, is amended to read as follows:



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29 "§13A-7-4.3

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

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

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

- 41 a. A chemical, polymer, or rubber manufacturing  
42 facility.
- 43 b. A pipeline.
- 44 c. A refinery.
- 45 d. An electrical power generating facility.
- 46 e. The area surrounding an electrical power generating  
47 facility.
- 48 f. An electrical transmission tower.
- 49 g. An electrical substation or distribution substation.
- 50 h. An electric utility control center.
- 51 i. Electrical communication equipment.
- 52 j. An electrical switching station.
- 53 k. Electric power lines, power storage equipment, or  
54 other utility equipment.
- 55 l. Any portion of a public water system or public  
56 wastewater treatment system.



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- 57 m. A natural gas transmission compressor station.
- 58 n. A liquefied natural gas (LNG) terminal or storage  
59 facility.
- 60 o. A natural gas distribution facility, including, but  
61 not limited to, a pipeline interconnection, a city gate or  
62 town border station, a metering station, aboveground piping, a  
63 regular station, or a natural gas or hydrocarbon storage or  
64 production facility.
- 65 p. A mining operation.
- 66 q. Beneficiation infrastructure or mining  
67 infrastructure.
- 68 r. A transportation facility such as a port, airport,  
69 railroad operating facility, or trucking terminal.
- 70 s. Wireline or wireless communications infrastructure.
- 71 t. A gas processing plant, including a plant used in  
72 the processing, treatment, or fractionation of natural gas or  
73 natural gas liquids.
- 74 u. A steelmaking facility that uses an electric arc  
75 furnace.
- 76 v. A dam that is regulated by the state or federal  
77 government.
- 78 w. A crude oil or refined products storage or  
79 distribution facility, including, but not limited to, a valve  
80 site, a pipeline interconnection, a pump station, a metering  
81 station, below ground piping, above ground piping, or a truck  
82 loading or offloading facility.
- 83 [x. A defense contractor facility.](#)
- 84 (3) FRAUDULENT DOCUMENTS FOR IDENTIFICATION PURPOSES. A



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85 document that is presented as being a bona fide document that  
86 provides personal identification information but which, in  
87 fact, is false, forged, altered, or counterfeit.

88 (4) PERSON. An individual, trust, estate, corporation,  
89 partnership, limited partnership, limited liability  
90 partnership, limited liability company, or unincorporated  
91 nonprofit association having a separate legal existence under  
92 state law.

93 (5) UNMANNED AIRCRAFT SYSTEM. A powered, aerial vehicle  
94 that does not carry a human operator, uses aerodynamic forces  
95 to provide vehicle lift, may fly autonomously through an  
96 onboard computer or be piloted remotely, and may be expendable  
97 or recoverable. The term does not include a satellite orbiting  
98 the Earth or a spacecraft beyond Earth's atmosphere and may  
99 not be construed to implicate the provider of a  
100 telecommunications link between an owner or operator of an  
101 unmanned aircraft system and the unmanned aircraft system.

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

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

112 (2) Uses or attempts to use a fraudulent document for



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113 identification for the purpose of entering a critical  
114 infrastructure facility.

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

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

124 (5) Intentionally operates without authority an  
125 unmanned aircraft system within a vertical distance of 200  
126 feet of a critical infrastructure facility.

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

130 (d) If, during the commission of the crime of  
131 unauthorized entry of a critical infrastructure facility, the  
132 person injures, removes, destroys, or breaks critical  
133 infrastructure property, or otherwise interrupts or interferes  
134 with the operations of a critical infrastructure asset, the  
135 person is guilty of a Class C felony.

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



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

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

148 Section 2. This act shall become effective on October  
149 1, 2025.