

SB322 INTRODUCED



1 SB322
2 MS277WH-1
3 By Senator Williams
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 25-Feb-26



SYNOPSIS:

Under existing law, it is a crime to enter a critical infrastructure facility without authorization.

This bill would exclude reservoirs that meet the definition of public waters from the list of critical infrastructure facilities.

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 2025-64, 2025 Regular Session; to revise the crime of unauthorized entry to a critical infrastructure facility to remove reservoirs that meet the definition of public waters from the list of critical infrastructure facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-4.3, Code of Alabama 1975, as last amended by Act 2025-64, 2025 Regular Session, is amended to read as follows:

"§13A-7-4.3

(a) For the purposes of this section, the following terms have the following meanings:



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(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.
- 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, except for any reservoir that meets the definition of public waters pursuant to Section 9-11-80.
- m. A natural gas transmission compressor station.



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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.

q. Beneficiation infrastructure or mining infrastructure.

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

s. Communications service infrastructure or facilities, as defined under Section 37-17-1.

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.

x. A defense contractor facility.

y. A pulp and paper manufacturing facility.



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(3) 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) PERSON. An individual, trust, estate, corporation, partnership, limited partnership, limited liability partnership, limited liability company, or unincorporated nonprofit association having a separate legal existence under state law.

(5) 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.



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(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 is marked as a restricted or limited access area, or which 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 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



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141 labor dispute between any employer and its employee.

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

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

151 Section 2. This act shall become effective on October
152 1, 2026.