

1 SB17
2 211062-1
3 By Senator Gudger
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 12/15/2021

8 SYNOPSIS: Under existing law, the unauthorized entry
9 of a critical infrastructure is a crime.

10 This bill would further define critical
11 infrastructure to include pipelines, mining
12 operations, and mining infrastructure.

13 This bill would provide for enhanced
14 criminal penalties for the act of damaging a
15 critical infrastructure while committing the crime
16 of unauthorized entry of a critical infrastructure
17 and for doing so while operating certain unmanned
18 aircraft systems.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, as amended by Amendment 890, now appearing
21 as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, prohibits a
23 general law whose purpose or effect would be to
24 require a new or increased expenditure of local
25 funds from becoming effective with regard to a
26 local governmental entity without enactment by a
27 2/3 vote unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to critical infrastructure; to amend
18 Section 13A-7-4.3, Code of Alabama 1975; to further provide
19 for the crime of unauthorized entry of a critical
20 infrastructure, including by certain unmanned aircraft
21 systems; to provide additional penalties; and in connection
22 therewith to have as its purpose or effect the requirement of
23 a new or increased expenditure of local funds within the
24 meaning of Amendment 621 of the Constitution of Alabama of
25 1901, as amended by Amendment 890, now appearing as Section
26 111.05 of the Official Recompilation of the Constitution of
27 Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 13A-7-4.3, Code of Alabama 1975,
3 is amended to read as follows:

4 "§13A-7-4.3.

5 "(a) For the purposes of this section, the following
6 words have the following meanings:

7 "(1) CRITICAL INFRASTRUCTURE. The term includes, but
8 is not limited to, a chemical manufacturing facility, a
9 pipeline, a refinery, an electrical power generating facility
10 and the area surrounding the facility, an electrical
11 transmission tower and substation and distribution substation,
12 an electric utility control center, communication equipment, a
13 switching station, a water intake structure and water
14 treatment facility, a natural gas transmission compressor
15 station, a liquefied natural gas (LNG) terminal and storage
16 facility, a natural gas and hydrocarbon storage or production
17 facility, mining operations, beneficiation infrastructure and
18 mining infrastructure, and a transportation facility, such as
19 a port, railroad operating facility, or trucking terminal.

20 "(2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION
21 PURPOSES. A document which is presented as being a bona fide
22 document that provides personal identification information but
23 which, in fact, is false, forged, altered, or counterfeit.

24 "(3) PERSON. An individual, trust, estate,
25 corporation, partnership, limited partnership, limited
26 liability partnership, limited liability company, or

1 unincorporated nonprofit association having a separate legal
2 existence under state law.

3 "(4) UNMANNED AIRCRAFT SYSTEM. A powered, aerial
4 vehicle that does not carry a human operator, uses aerodynamic
5 forces to provide vehicle lift, may fly autonomously through
6 an onboard computer or be piloted remotely, and may be
7 expendable or recoverable. The term does not include a
8 satellite orbiting the Earth or a spacecraft beyond Earth's
9 atmosphere and may not be construed to implicate the provider
10 of a telecommunications link between an owner or operator of
11 an unmanned aircraft system and the unmanned aircraft system.

12 "(b) A person commits the crime of unauthorized
13 entry of a critical infrastructure if the person does any of
14 the following:

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

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

25 "(3) Remains upon or on the premises of a critical
26 infrastructure after having been forbidden to do so, either

1 orally or in writing, by any owner, lessee, or custodian of
2 the property or by any other authorized person.

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

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

11 "(d) If, during the commission of the crime of
12 unauthorized entry of a critical infrastructure, the person
13 injures, removes, destroys, or breaks critical infrastructure
14 property, or otherwise interrupts or interferes with the
15 operations of a critical infrastructure asset, the person is
16 guilty of a Class C felony.

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

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

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, as amended
3 by Amendment 890, now appearing as Section 111.05 of the
4 Official Recompilation of the Constitution of Alabama of 1901,
5 as amended, because the bill defines a new crime or amends the
6 definition of an existing crime.

7 Section 3. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.