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

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

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

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of
specified exceptions; it is approved by the
affected entity; or the Legislature appropriates
funds, or provides a local source of revenue, to
the entity for the purpose.

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

A BILL
TO BE ENTITLED
AN ACT

Relating to critical infrastructure; to amend
Section 13A-7-4.3, Code of Alabama 1975; to further provide
for the crime of unauthorized entry of a critical
infrastructure, including by certain unmanned aircraft
systems; to provide additional penalties; and in connection
therewith to have as its purpose or effect the requirement of
a new or increased expenditure of local funds within the
meaning of Amendment 621 of the Constitution of Alabama of
1901, as amended by Amendment 890, now appearing as Section
111.05 of the Official Recompilation of the Constitution of
Alabama of 1901, as amended.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-4.3, Code of Alabama 1975, is 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. The term includes, but is not limited to, a chemical manufacturing facility, a pipeline, a refinery, an electrical power generating facility and the area surrounding the facility, an electrical transmission tower and substation and distribution substation, an electric utility control center, communication equipment, a switching station, a water intake structure and water treatment facility, a natural gas transmission compressor station, a liquefied natural gas (LNG) terminal and storage facility, a natural gas and hydrocarbon storage or production facility, mining operations, beneficiation infrastructure and mining infrastructure, and a transportation facility, such as a port, railroad operating facility, or trucking terminal.

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

"(3) 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.

"(4) 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 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 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.

"(3) Remains upon or on the premises of a critical infrastructure 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 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 is guilty of a Class A
misdemeanor.

"(d) If, during the commission of the crime of
Unauthorized entry of a critical infrastructure, 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.

"(e) A person who commits the crime of unauthorized
entry of a critical infrastructure 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.

"(d)(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 labor dispute between any employer and its employee."

Section 2. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, as amended
by Amendment 890, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901,
as amended, because the bill defines a new crime or amends the
definition of an existing crime.

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