

1 HB77
2 172309-1
3 By Representatives Pringle and Mooney
4 RFD: Judiciary
5 First Read: 02-FEB-16

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8 SYNOPSIS: Under existing law, a person is guilty of
9 criminal trespass if the person enters or remains
10 unlawfully on property without permission of the
11 owner. A violation is a misdemeanor.

12 This bill would establish a specific crime
13 of unlawful entry of a critical infrastructure. A
14 violation would be a Class D felony.

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

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 Relating to crimes and offenses; to enact the crime
14 of unlawful entry of a critical infrastructure and to provide
15 criminal penalties; and in connection therewith would have as
16 its purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) For the purposes of this section, the
23 following words have the following meanings:

24 (1) CRITICAL INFRASTRUCTURE. The term includes, but
25 is not limited to, a chemical manufacturing facility, a
26 refinery, an electrical power generating facility, an
27 electrical transmission substation and distribution

1 substation, a water intake structure and water treatment
2 facility, a natural gas transmission compressor station, a
3 liquefied natural gas (LNG) terminal and storage facility, a
4 natural gas and hydrocarbon storage facility, and a
5 transportation facility, such as a port, railroad switching
6 yard, or trucking terminal.

7 (2) FRAUDULENT DOCUMENTS FOR IDENTIFICATION

8 PURPOSES. A document which is presented as being a bona fide
9 document that provides personal identification information but
10 which, in fact, is false, forged, altered, or counterfeit.

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

14 (1) Intentionally enters without authority into any
15 structure or onto any premises belonging to another that
16 constitutes in whole or in part a critical infrastructure that
17 is completely enclosed by any type of physical barrier.

18 (2) Uses or attempts to use a fraudulent document
19 for identification for the purpose of entering a critical
20 infrastructure.

21 (3) Remains upon or on the premises of a critical
22 infrastructure after having been forbidden to do so, either
23 orally or in writing, by any owner, lessee, or custodian of
24 the property or by any other authorized person.

25 (4) Intentionally enters into a restricted area of a
26 critical infrastructure which is marked as a restricted or
27 limited access area that is completely enclosed by any type of

1 physical barrier when the person is not authorized to enter
2 the restricted or limited access area.

3 (c) A person who commits the crime of unauthorized
4 entry of a critical infrastructure is guilty of a Class D
5 felony.

6 (d) Nothing in this section shall be construed to
7 prevent lawful assembly and peaceful and orderly petition for
8 the redress of grievances, including, but not limited to, any
9 labor dispute between any employer and its employee.

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

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