

By: Senator(s) Doty, Dearing, Jackson
(11th), Hill, McMahan

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2754

1 AN ACT TO CREATE NEW SECTION 97-25-59, MISSISSIPPI CODE OF
2 1972, TO DEFINE IMPEDING CRITICAL INFRASTRUCTURE AS A MISDEMEANOR
3 OR A TRESPASS, DEPENDING ON THE AMOUNT OF RESULTING DAMAGE OR
4 ECONOMIC LOSS, AND TO DEFINE CRITICAL INFRASTRUCTURE TRESPASS AS A
5 MISDEMEANOR; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The following shall be codified as Section
8 97-25-59, Mississippi Code of 1972:

9 97-25-59. (1) **Definition of "critical infrastructure**
10 **facility."** As used in this act, unless otherwise defined,
11 "critical infrastructure facility" means:

12 (a) Any portion of an oil, gas, carbon dioxide,
13 hazardous liquid or chemical pipeline or tank that is buried or
14 enclosed by a fence or other physical barrier obviously designed
15 to exclude intruders, or clearly marked with a sign or signs
16 reasonably likely to come to the attention of intruders and
17 indicating that entry is forbidden without authorization.

18 (b) One (1) of the following, if enclosed by a fence or
19 other physical barrier obviously designed to exclude intruders, or



20 if clearly marked with a sign or signs reasonably likely to come
21 to the attention of intruders and indicating that entry is
22 forbidden without authorization:

23 (i) A chemical or polymer manufacturing facility;

24 (ii) A telecommunications central switching
25 office;

26 (iii) Wireless or other telecommunications
27 infrastructure, including cell towers, communication towers,
28 telephone poles and lines, cable headend or fiber-optic lines,
29 other than those connecting to individual residences;

30 (iv) A transmission facility used by a federally
31 licensed radio or television station, a governmental law
32 enforcement or emergency services radio system, or electric
33 utility;

34 (v) A petroleum refinery;

35 (vi) A liquid natural gas terminal or storage
36 facility or compressed gas liquids plant or storage facility;

37 (vii) A natural gas compressor station;

38 (viii) A hydrocarbon processing plant, including a
39 plant used in the processing, treatment or fractionation of oil,
40 natural gas or natural gas liquids;

41 (ix) A natural gas distribution utility facility,
42 including transmission facilities, pipeline interconnections, a
43 city gate or town border station, metering stations, piping, a
44 regulator station or a natural gas storage facility;



45 (x) A crude oil or refined products storage and
46 distribution facility, including storage tanks, valve sites,
47 pipeline interconnections, pump stations, metering stations,
48 pipelines, or piping and truck loading or offloading facilities;
49 (xi) An above-ground or underground mining
50 facility;
51 (xii) An electrical power generating facility,
52 substation, switching station, communication facility, electrical
53 control center or electric power lines and associated equipment
54 infrastructure other than those connections to individual
55 residences;
56 (xiii) A data center or supercomputing center that
57 has an average constant draw of at least one (1) megawatt of
58 electricity;
59 (xiv) A commercial airport, trucking terminal or
60 other freight transportation facility, including a railroad
61 switching yard, railroad facility or railroad track;
62 (xv) Any reservoir that supplies water for
63 industrial or municipal supplies or irrigation for multiple users
64 or an irrigation district; or
65 (xvi) A water intake structure, water treatment
66 facility, wastewater treatment plant, pump station or water lines
67 and associated equipment infrastructure other than those
68 connections to individual residences.



(c) Any site where the construction or improvement of any facility or structure referenced in this section is occurring.

(2) **Impeding critical infrastructure.** (a) A person is guilty of impeding critical infrastructure if he intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law.

(b) Impeding critical infrastructure is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the impediment causes damage or economic loss, the cost of which is less than One Thousand Dollars (\$1,000.00);

(ii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, if the impediment causes damage or economic loss, the cost of which is One Thousand Dollars (\$1,000.00) or more.

(c) If a series of damage or loss results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based on the aggregate cost of the damage or loss.

(d) An organization that aids, abets, solicits, compensates, hires, conspires with, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed One Hundred Thousand Dollars



94 (\$100,000.00), provided that the organization acted with the
95 intent that the crime of impeding critical infrastructure be
96 completed. A critical infrastructure facility may maintain a
97 civil action against an organization for damages suffered as a
98 consequence of a violation of this subsection, including damages
99 for lost profits, whether or not any fine is imposed pursuant to
100 this subsection.

101 (e) No person shall be liable for a violation of
102 paragraph (a) or (b) of this subsection if the person:

103 (i) Owns or legally occupies the land upon which
104 the critical infrastructure facility is located and is engaged in
105 conduct that is not inconsistent with the operation of the
106 critical infrastructure facility or that is authorized by an
107 agreement;

108 (ii) Is lawfully engaged in any regulatory or
109 legal process to which the critical infrastructure facility is
110 subject; or

111 (iii) Is engaged in conduct arising out of a bona
112 fide dispute about access to land.

113 (f) As used in this subsection, "impede" means:

114 (i) To block the operation of or prevent legal
115 access to a critical infrastructure facility or the construction
116 site of a permitted critical infrastructure facility; or



(ii) To damage, destroy, deface or tamper with the equipment of a critical infrastructure facility, whether completed or under construction.

(3) **Critical infrastructure trespass.** (a) A person is guilty of critical infrastructure trespass if he enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or not to trespass. For purposes of this subsection, notice is given by:

(i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;

(ii) Posting of signs reasonably likely to come to the attention of intruders; or

(iii) The presence of fencing or other physical barrier designed to exclude intruders.

(b) Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than One Thousand Dollars (\$1,000.00), or both.

(c) No person shall be liable for a violation of paragraph (a) of this subsection if that person:

(i) Owns or legally occupies the land upon which the facility is located and is engaged in conduct that is not



inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement; or

(ii) Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject.

(4) Nothing in this section shall be construed to prohibit:

(a) Public demonstrations or other expressions of free speech or free association to the extent such activity is protected under the United States or Mississippi Constitutions;

(b) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including, but not limited to, fishing, hunting, boating and birdwatching; or

(c) The lawful exercise of the right of ownership by an owner of real property, including use, enjoyment and disposition within the limits and under the conditions established by law.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019, and shall stand repealed from and after June 30, 2019.

