

By: Representatives Bain, Bounds, Powell,
Shanks

To: Judiciary B

HOUSE BILL NO. 1243

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.



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

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

76 (b) Impeding critical infrastructure is:

77 (i) A misdemeanor punishable by imprisonment for
78 not more than six (6) months, a fine of not more than One Thousand
79 Dollars (\$1,000.00), or both, if the impediment causes damage or
80 economic loss, the cost of which is less than One Thousand Dollars
81 (\$1,000.00);

82 (ii) A felony punishable by imprisonment for not
83 more than seven (7) years, a fine of not more than Ten Thousand
84 Dollars (\$10,000.00), or both, if the impediment causes damage or
85 economic loss, the cost of which is One Thousand Dollars
86 (\$1,000.00) or more.

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

91 (d) An organization that aids, abets, solicits,
92 compensates, hires, conspires with, commands or procures a person
93 to commit the crime of impeding critical infrastructure is subject



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

158 **SECTION 2.** This act shall take effect and be in force from
159 and after July 1, 2020.

