

By: Senator(s) Doty, Branning

To: Judiciary, Division A;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2872
(As Passed the Senate)

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) The Mainline Mississippi River Levee, the Yazoo
70 Backwater Levee, the Satartia Backwater Levee or any other levee
71 maintained by the Mississippi Levee Board or the Yazoo Mississippi
72 Levee Board.

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

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

79 (b) Impeding critical infrastructure is:

80 (i) A misdemeanor punishable by imprisonment for
81 not more than six (6) months, a fine of not more than One Thousand
82 Dollars (\$1,000.00), or both, if the impediment causes damage or
83 economic loss, the cost of which is less than One Thousand Dollars
84 (\$1,000.00);

85 (ii) A felony punishable by imprisonment for not
86 more than five (5) years, a fine of not more than Ten Thousand
87 Dollars (\$10,000.00), or both, if the impediment causes damage or
88 economic loss, the cost of which is One Thousand Dollars
89 (\$1,000.00) or more.

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



94 (d) An organization that aids, abets, solicits,
95 compensates, hires, conspires with, commands or procures a person
96 to commit the crime of impeding critical infrastructure is subject
97 to a fine not to exceed One Hundred Thousand Dollars
98 (\$100,000.00), provided that the organization acted with the
99 intent that the crime of impeding critical infrastructure be
100 completed. A critical infrastructure facility may maintain a
101 civil action against an organization for damages suffered as a
102 consequence of a violation of this subsection, including damages
103 for lost profits, whether or not any fine is imposed pursuant to
104 this subsection.

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

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

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

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

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



118 (i) To block the operation of or prevent legal
119 access to a critical infrastructure facility or the construction
120 site of a permitted critical infrastructure facility; or

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

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

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

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

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

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

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



143 (i) Owns or legally occupies the land upon which
144 the facility is located and is engaged in conduct that is not
145 inconsistent with the operation of the critical infrastructure
146 facility or that is authorized by an agreement; or

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

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

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

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

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

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

