

**SUBSTITUTE FOR
HOUSE BILL NO. 5465**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 552c (MCL 750.552c), as added by 2005 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 552c. (1) A person shall not intentionally and without
2 authority or permission enter or remain in or ~~upon~~**on** premises or a
3 structure belonging to another person that is a key facility if,
4 **except as provided in subsection (2),** the key facility is
5 completely enclosed by a physical barrier of any kind, including,
6 but not limited to, a significant water barrier that prevents
7 pedestrian access, and is posted with signage as prescribed under
8 subsection ~~(2).~~**(3)**. As used in this ~~subsection,~~**section,** "key
9 facility" means 1 or more of the following:



1 (a) A chemical manufacturing facility.

2 (b) A refinery.

3 (c) An electric utility facility, including, but not limited
4 to, a power plant, a power generation facility peaker, an electric
5 transmission facility, an electric station or substation, **an energy**
6 **storage system**, or any other facility used to support the
7 generation, transmission, or distribution of electricity. Electric
8 utility facility does not include electric transmission land or
9 right-of-way that is not completely enclosed, posted, and
10 maintained by the electric utility. **As used in this subdivision,**
11 **"energy storage system" means any electric utility facility or**
12 **technology that is capable of absorbing energy, storing the energy**
13 **for a period of time, and redelivering the energy. Energy storage**
14 **system includes, but is not limited to, the following:**

15 (i) Battery energy storage or electro-chemical systems.

16 (ii) Pumped storage hydroelectric facilities.

17 (iii) Compressed air energy storage.

18 (iv) Thermal energy storage.

19 (v) Other mechanical storage systems

20 (d) A water intake structure or water treatment facility.

21 (e) A natural gas utility facility, including, but not limited
22 to, an age station, compressor station, odorization facility, main
23 line valve, natural gas storage facility, or any other facility
24 used to support the acquisition, transmission, distribution, or
25 storage of natural gas. Natural gas utility facility does not
26 include gas transmission pipeline property that is not completely
27 enclosed, posted, and maintained by the natural gas utility.

28 (f) Gasoline, propane, liquid natural gas (LNG), or other fuel
29 terminal or storage facility.



(g) A transportation facility, including, but not limited to, a port, railroad ~~switching~~ yard, or trucking terminal. **As used in this subdivision, "railroad yard" includes, but is not limited to, rail switching yards, classification yards, intermodal facilities, hump yards, automobile loading facilities, and rail storage yards.**

(h) A pulp or paper manufacturing facility.

(i) A pharmaceutical manufacturing facility.

(j) A hazardous waste storage, treatment, or disposal facility.

(k) A telecommunication facility, including, but not limited to, a central office or cellular telephone tower site.

(l) A railroad tunnel.

(m) A data center.

(n) ~~(l)~~—A facility substantially similar to a facility, structure, or station listed in subdivisions (a) to ~~(k)~~ **(m)** or a resource required to submit a risk management plan under 42 USC 7412(r).

(2) Subsection (1) applies to a key facility that is a railroad yard that is posted with signage as prescribed under subsection (3), regardless of whether or not the railroad yard is completely enclosed by any physical barrier.

(3) ~~(2)~~—A key facility ~~shall~~ **must** be posted in a conspicuous manner against entry. The minimum letter height on the posting signs ~~shall~~ **must** be 1 inch. Each posting sign ~~shall~~ **must** be not less than 50 square inches, and the signs ~~shall~~ **must** be spaced to enable a person to observe not less than 1 sign at any point of entry ~~upon~~ **on** the property.

(4) ~~(3)~~—A person who violates this section is guilty of a felony punishable by imprisonment for not more than 4 years or a



1 fine of not more than \$2,500.00, or both.

2 **(5)** ~~(4)~~ This section does not prohibit and ~~shall~~**must** be not
3 construed to prevent lawful assembly or a peaceful and orderly
4 petition for the redress of grievances, including, but not limited
5 to, a labor dispute between an employer and its employees.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.