

**SUBSTITUTE FOR
SENATE BILL NO. 71**

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~~**An individual** shall not intentionally
2 and without authority or permission enter or remain in or upon
3 premises or a structure belonging to another person that is a key
4 facility. ~~if the key facility is completely enclosed by a physical~~
5 ~~barrier of any kind, including, but not limited to, a significant~~
6 ~~water barrier that prevents pedestrian access, and is posted with~~
7 ~~signage as prescribed under subsection (2).~~

8 **(2)** As used in this ~~subsection,~~**section**, "key facility" means
9 ~~1 or more~~**any** of the following, **if enclosed by a physical barrier**



1 of any kind, including, but not limited to, a significant water
2 barrier that prevents pedestrian access and if posted with signage
3 as required by subsection (3):

4 (a) A chemical manufacturing facility.

5 (b) A refinery.

6 (c) An electric utility facility, including, but not limited
7 to, a power plant, a power generation facility peaker, an electric
8 transmission facility, an electric station or substation, or any
9 other facility used to support the generation, transmission, or
10 distribution of electricity. Electric utility facility does not
11 include electric transmission land or right-of-way that is not
12 completely enclosed, posted, and maintained by the electric
13 utility.

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

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

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

24 (g) A transportation facility, including, but not limited to,
25 a port, railroad switching yard, or trucking terminal.

26 (h) A pulp or paper manufacturing facility.

27 (i) A pharmaceutical manufacturing facility.

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



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

3 (l) A facility substantially similar to a facility, structure,
4 or station listed in subdivisions (a) to (k) or a resource required
5 to submit a risk management plan under 42 USC 7412(r).

6 **(m) The portions of the Mackinac Bridge not open to or**
7 **intended to be used by the public.**

8 **(3) ~~(2)~~**A key facility ~~shall~~**must** be posted in a conspicuous
9 manner against entry. The minimum letter height on the posting
10 signs ~~shall~~**must** be 1 inch. Each posting sign ~~shall~~**must** be not
11 less than 50 square inches, and the **posting** signs ~~shall~~**must** be
12 spaced to enable ~~a person~~**an individual** to observe not less than 1
13 **posting** sign at any point of entry upon the property.

14 **(4) ~~(3)~~** ~~A person~~**An individual** who violates this section is
15 guilty of a felony punishable by imprisonment for not more than 4
16 years or a fine of not more than \$2,500.00, or both.

17 **(5) ~~(4)~~**This section does not prohibit and ~~shall~~**must** be not
18 construed to prevent lawful assembly or a peaceful and orderly
19 petition for the redress of grievances, including, but not limited
20 to, a labor dispute between an employer and its employees.

21 **(6) It is not a defense to a prosecution under this section**
22 **that, during normal operating hours, the barrier that encloses a**
23 **key facility is left open for official business at the key**
24 **facility.**