

Act No. 305
Public Acts of 2005
Approved by the Governor
December 20, 2005
Filed with the Secretary of State
December 21, 2005
EFFECTIVE DATE: April 15, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senators Birkholz, Toy, Kuipers, Allen and George

ENROLLED SENATE BILL No. 686

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 552c.

The People of the State of Michigan enact:

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

- (a) A chemical manufacturing facility.
- (b) A refinery.
- (c) An electric utility facility, including, but not limited to, a power plant, a power generation facility peaker, an electric transmission facility, an electric station or substation, or any other facility used to support the generation, transmission, or distribution of electricity. Electric utility facility does not include electric transmission land or right-of-way that is not completely enclosed, posted, and maintained by the electric utility.
- (d) A water intake structure or water treatment facility.
- (e) A natural gas utility facility, including, but not limited to, an age station, compressor station, odorization facility, main line valve, natural gas storage facility, or any other facility used to support the acquisition, transmission, distribution, or storage of natural gas. Natural gas utility facility does not include gas transmission pipeline property that is not completely enclosed, posted, and maintained by the natural gas utility.
- (f) Gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.
- (g) A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal.
- (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 facility substantially similar to a facility, structure, or station listed in subdivisions (a) to (k) or a resource required to submit a risk management plan under 42 USC 7412(r).

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

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

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

Enacting section 1. This amendatory act takes effect April 15, 2006.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor