

SUBSTITUTE FOR
HOUSE BILL NO. 5315

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 of the following:~~**either of the following:**

1 (a) A facility described in subsection (3).

2 (b) Any of the following, if completely enclosed by a physical
3 barrier of any kind, including, but not limited to, a significant
4 water barrier that prevents pedestrian access, and if posted with
5 signage as required by subsection (4):

6 (i) ~~(a)~~—A chemical manufacturing facility.

7 (ii) ~~(b)~~—A refinery.

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

16 (iv) ~~(d)~~—A water intake structure or water treatment facility.

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

25 (vi) ~~(f)~~—Gasoline, propane, liquid natural gas (LNG), or other
26 fuel terminal or storage facility.

27 (vii) ~~(g)~~—A transportation facility, including, but not limited
28 to, a port, railroad switching yard, or trucking terminal.

29 (viii) ~~(h)~~—A pulp or paper manufacturing facility.

1 (ix) ~~(i)~~ A pharmaceutical manufacturing facility.

2 (x) ~~(j)~~ A hazardous waste storage, treatment, or disposal
3 facility.

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

6 (xii) ~~(l)~~ A facility substantially similar to a facility,
7 structure, or station listed in ~~subdivisions (a) to (k)~~
8 **subparagraphs (i) to (xi)** or a resource required to submit a risk
9 management plan under 42 USC 7412(r).

10 (3) Each of the following is a key facility if the portions of
11 the facility not open to or intended to be used by the public are
12 posted with signage as required by subsection (4):

13 (a) Any movable bridge within this state.

14 (b) The Mackinac Bridge.

15 (c) The Zilwaukee Bridge.

16 (d) The Rouge River Bridge.

17 (e) The MacArthur Bridge.

18 (f) Each international crossing in this state, including, but
19 not limited to, the Ambassador Bridge, the Blue Water Bridge, the
20 Detroit-Windsor Tunnel, the Gordie Howe International Bridge, and
21 the International Bridge.

22 (4) ~~(2)~~ A key facility ~~shall~~**must** be posted in a conspicuous
23 manner against entry. The minimum letter height on the posting
24 signs ~~shall~~**must** be 1 inch. Each posting sign ~~shall~~**must** be not
25 less than 50 square inches, and the **posting** signs ~~shall~~**must** be
26 spaced to enable ~~a person~~**an individual** to observe not less than 1
27 **posting** sign at any point of entry upon the property.

28 (5) ~~(3)~~ ~~A person~~**An individual** who violates this section is
29 guilty of a felony punishable by imprisonment for not more than 4

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

2 **(6)** ~~(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 **(7)** It is not a defense to a prosecution under this section
7 that a key facility is intended or designed to be completely
8 enclosed but that, during normal operating hours, the barrier that
9 encloses it is left open for the completion of official business at
10 the key facility, if the key facility is posted with signage as
11 required by subsection (4).