

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1378

(SENATE AUTHORS: INGEBRIGTSEN, Utke, Johnson and Eichorn)

DATE	D-PG	OFFICIAL STATUS
02/25/2021	546	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1A bill for an act

1.2relating to public safety; creating liability and vicarious liability for trespass to

1.3critical infrastructure; creating a crime for recruiting or educating individuals to

1.4trespass on or damage critical infrastructure; amending Minnesota Statutes 2020,

1.5sections 609.594, subdivision 2; 609.6055, subdivision 2; proposing coding for

1.6new law in Minnesota Statutes, chapter 604.

1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8Section 1. **[604.135] CRITICAL INFRASTRUCTURE; VICARIOUS LIABILITY.**

1.9(a) A person who is arrested for or convicted of trespass under section 609.595 or

1.10609.6055 may be held liable for any damages to personal or real property while trespassing.

1.11(b) A person or entity that recruits, trains, aids, advises, hires, counsels, or conspires

1.12with or otherwise procures another to trespass as described in paragraph (a) may also be

1.13held vicariously liable for any damages to personal or real property committed by the

1.14individual arrested or convicted under section 609.595 or 609.6055.

1.15**EFFECTIVE DATE.** This section is effective on August 1, 2021, and applies to causes

1.16of action brought on or after that date.

1.17Sec. 2. Minnesota Statutes 2020, section 609.594, subdivision 2, is amended to read:

1.18Subd. 2. **Prohibited conduct; penalty.** (a) Whoever causes damage to the physical

1.19property of a critical public service facility, utility, or pipeline with the intent to significantly

1.20disrupt the operation of or the provision of services by the facility, utility, or pipeline and

1.21without the consent of one authorized to give consent, is guilty of a felony and may be

1.22sentenced to imprisonment for not more than ten years or to payment of a fine of not more

1.23than \$20,000, or both.

(b) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a violation of paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if a violation is committed and the person fails to make a reasonable effort to prevent the violation.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to violations committed on or after that date.

Sec. 3. Minnesota Statutes 2020, section 609.6055, subdivision 2, is amended to read:

Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property containing a critical public service facility, utility, or pipeline, without claim of right or consent of one who has the right to give consent to be on the property, is guilty of a gross misdemeanor, if:

(1) the person refuses to depart from the property on the demand of one who has the right to give consent;

(2) within the past six months, the person had been told by one who had the right to give consent to leave the property and not to return, unless a person with the right to give consent has given the person permission to return; or

(3) the property is posted.

(b) Whoever enters an underground structure that (1) contains a utility line or pipeline and (2) is not open to the public for pedestrian use, without claim of right or consent of one who has the right to give consent to be in the underground structure, is guilty of a gross misdemeanor. The underground structure does not need to be posted for this paragraph to apply.

(c) Whoever intentionally recruits, trains, aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a violation of paragraph (a) is guilty of a gross misdemeanor if a violation is committed and the person fails to make a reasonable effort to prevent the violation.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to violations committed on or after that date.