

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 355**

(SENATE AUTHORS: MATHEWS, Rarick and Johnson)

DATE  
01/28/2021

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176

Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to public safety; creating liability and vicarious liability for trespass to  
1.3 critical infrastructure; creating a crime for recruiting or educating individuals to  
1.4 trespass on or damage critical infrastructure; amending Minnesota Statutes 2020,  
1.5 sections 609.2231, subdivision 10; 609.594, subdivision 1; 609.6055, subdivision  
1.6 2; proposing coding for new law in Minnesota Statutes, chapter 604.

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

1.8 Section 1. 604.135 **CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL**  
1.9 **LIABILITY.**

1.10 (a) A person who is convicted of trespass under section 609.6055 or damage to property  
1.11 under section 609.594, or is arrested for a violation of one or both of those sections and  
1.12 convicted of another offense arising out of the same behavioral incident, may be held liable  
1.13 for any damages to personal or real property committed by the person while trespassing or  
1.14 causing damage to property.

1.15 (b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels,  
1.16 conspires with, or otherwise procures another for the purpose of trespassing or causing  
1.17 damage to property as described in paragraph (a) may also be jointly and severally liable  
1.18 for the damages under paragraph (a).

1.19 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to causes  
1.20 of action arising on or after that date.

1.21 Sec. 2. Minnesota Statutes 2020, section 609.2231, subdivision 10, is amended to read:

1.22 Subd. 10. **Utility and postal service employees and contractors.** (a) A person is guilty  
1.23 of a gross misdemeanor who:

2.1 (1) assaults an employee or contractor of a utility or the United States Postal Service  
 2.2 while the employee or contractor is engaged in the performance of the employee's or  
 2.3 contractor's duties;

2.4 (2) should reasonably know that the victim is an employee or contractor of a utility or  
 2.5 the postal service who is:

2.6 (i) performing duties of the victim's employment; or

2.7 (ii) fulfilling the victim's contractual obligations; and

2.8 (3) inflicts demonstrable bodily harm.

2.9 (b) As used in this subdivision, "utility" has the meaning given it in section 609.594,  
 2.10 subdivision 1, clause ~~(3)~~ (5).

2.11 Sec. 3. Minnesota Statutes 2020, section 609.594, subdivision 1, is amended to read:

2.12 Subdivision 1. **Definitions.** As used in this section:

2.13 (1) "community solar garden" means a solar energy generating system that is governed  
 2.14 by the provisions of section 216B.1641;

2.15 ~~(1)~~ (2) "critical public service facility" includes railroad yards and stations, bus stations,  
 2.16 airports, and other mass transit facilities; oil refineries; storage areas or facilities for hazardous  
 2.17 materials, hazardous substances, or hazardous wastes; ~~and bridges;~~ community solar gardens;  
 2.18 and solar energy generating systems;

2.19 ~~(2)~~ (3) "pipeline" has the meaning given in section 609.6055, subdivision 1; ~~and~~

2.20 (4) "solar energy generating system" has the meaning given in section 216E.01; and

2.21 ~~(3)~~ (5) "utility" includes: (i) any organization defined as a utility in section 216C.06,  
 2.22 subdivision 18; (ii) any telecommunications carrier or telephone company regulated under  
 2.23 chapter 237; and (iii) any local utility or enterprise formed for the purpose of providing  
 2.24 electrical or gas heating and power, telephone, water, sewage, wastewater, or other related  
 2.25 utility service, which is owned, controlled, or regulated by a town, a statutory or home rule  
 2.26 charter city, a county, a port development authority, the Metropolitan Council, a district  
 2.27 heating authority, a regional commission or other regional government unit, or a combination  
 2.28 of these governmental units.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.1 Sec. 4. Minnesota Statutes 2020, section 609.6055, subdivision 2, is amended to read:

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

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

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

3.11 (3) the property is posted.

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

3.17 (c) Unless a greater penalty is provided elsewhere, whoever violates this section with  
3.18 intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit  
3.19 operation, is guilty of a felony and may be sentenced to imprisonment for not more than  
3.20 three years or to payment of a fine of not more than \$5,000, or both.

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