

Introduced by

Senators Myrdal, Unruh, Oehlke

Representatives Schmidt, Damschen

1 A BILL for an Act to amend and reenact section 12.1-21-06 of the North Dakota Century Code,  
2 relating to tampering with or damaging a critical infrastructure facility or a public service; and to  
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 12.1-21-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **12.1-21-06. Tampering with or damaging a critical infrastructure facility or a public**  
8 **service - Penalty.**

- 9 1. ~~A person is guilty of an offense if he causes~~An individual may not cause a substantial  
10 interruption or impairment of a ~~public communication, transportation, supply of water,~~  
11 ~~gas, power, or other~~critical infrastructure facility or a public service by:
- 12 a. Tampering with or damaging the tangible property of another;
  - 13 b. Incapacitating an operator of ~~such a~~ critical infrastructure facility or a public  
14 service; or
  - 15 c. ~~Negligently damaging the tangible property of another by fire, explosive, or other~~  
16 ~~dangerous means.~~Damaging, destroying, vandalizing, defacing, or tampering  
17 with equipment in a critical infrastructure facility;
  - 18 d. Damaging, destroying, vandalizing, defacing, impeding, inhibiting, or tampering  
19 with the operations of a critical infrastructure facility; or
  - 20 e. Interfering, inhibiting, impeding, or preventing the construction or repair of a  
21 critical infrastructure facility.
- 22 2. ~~The offense~~A violation of this section is a class C felony if the actor engages in the  
23 conduct intentionally and a class A misdemeanor if the actor engages in the conduct  
24 knowingly or recklessly. Otherwise it is a class B misdemeanor.

- 1       3. If an organization is found to be a conspirator with an individual found to have violated  
2       subsection 1, the court shall assess on the conspiring organization a fine ten times the  
3       amount of the fine authorized by subsection 2.
- 4       4. This section may not be construed to prevent or prohibit lawful assembly and peaceful  
5       and orderly petition for the redress of grievances, including a labor dispute between an  
6       employer and its employee.
- 7       5. As used in this section, "critical infrastructure facility" includes:
- 8       a. A petroleum or alumina refinery;
- 9       b. An electrical power generating facility, substation, switching station, electrical  
10      control center, or electric power line and associated equipment infrastructure;
- 11      c. A chemical, polymer, or rubber manufacturing facility;
- 12      d. A water intake structure, water treatment facility, wastewater treatment plant, or  
13      pump station;
- 14      e. A natural gas compressor station;
- 15      f. A liquid natural gas terminal or storage facility;
- 16      g. A telecommunications central switching office;
- 17      h. Wireless telecommunications infrastructure, including a cell tower, telephone pole  
18      or line, including a fiber optic line;
- 19      i. A port, railroad switching yard, railroad track, trucking terminal, or other freight  
20      transportation facility;
- 21      j. A gas processing plant, including a plant used in the processing, treatment, or  
22      fractionation of natural gas or a natural gas liquid;
- 23      k. A transmission facility used by a federally licensed radio or television station;
- 24      l. A steel-making facility using an electric arc furnace to make steel;
- 25      m. A facility identified and regulated by the United States department of homeland  
26      security chemical facility anti-terrorism standards program;
- 27      n. A dam regulated by the state or federal government;
- 28      o. A natural gas distribution utility facility, including a pipeline interconnection, a city  
29      gate or town border station, a metering station, aboveground piping, a regulator  
30      station, and a natural gas storage facility;

- 1           p. A crude oil or refined product storage and distribution facility, including a valve  
2           site, pipeline interconnection, pump station, metering station, below or  
3           aboveground pipeline or piping, and a truck loading or offloading facility:  
4           q. Any aboveground portion of an oil, gas, hazardous liquid, or chemical pipeline,  
5           tank, railroad facility, or other storage facility; and  
6           r. A site or location designated or approved for the construction of a facility  
7           described in this subsection.