

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.