

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~~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~~An organization is found to be a conspirator~~that has pled guilty or been convicted~~  
2        of a violation under section 12.1-06-04 for conspiring with an individual ~~found to have~~  
3        ~~violated~~who has pled guilty or been convicted under subsection 1, the court shall  
4        ~~assess on the conspiring organization must be assessed~~ a fine ~~ten times the amount~~  
5        ~~of the fine~~equivalent to the penalty authorized by subsection 2 for each individual who  
6        has pled guilty or been convicted under subsection 1, not to exceed one hundred  
7        thousand dollars.
- 8        4. This section may not be construed to prevent or prohibit lawful assembly and peaceful  
9        and orderly petition for the redress of grievances, including a labor dispute between an  
10       employer and its employee.
- 11       5. As used in this section, "critical infrastructure facility" includes:
- 12       a. A petroleum or alumina refinery;
- 13       b. An electrical power generating facility, substation, switching station, electrical  
14       control center, or electric power line and associated equipment infrastructure;
- 15       c. A chemical, polymer, or rubber manufacturing facility;
- 16       d. A water intake structure, water treatment facility, wastewater treatment plant,  
17       ground water monitoring well, water well, or pump station;
- 18       e. A natural gas compressor station;
- 19       f. A liquid natural gas terminal or storage facility;
- 20       g. ~~A telecommunications central switching office~~Wireline telecommunications and  
21       internet infrastructure, including central offices, fiber optic lines, cable lines, and  
22       all additional equipment associated with the provision of broadband or  
23       telecommunication services;
- 24       h. Wireless telecommunications infrastructure, including a cell tower, telephone pole  
25       or line, including a fiber optic line;
- 26       i. A port, railroad switching yard, railroad track, trucking terminal, or other freight  
27       transportation facility;
- 28       j. A gas processing plant, including a plant used in the processing, treatment, or  
29       fractionation of natural gas or a natural gas liquid;
- 30       k. A transmission facility used by a federally licensed radio or television station;
- 31       l. A steel-making facility using an electric arc furnace to make steel;

- 1            m. A facility identified and regulated by the United States department of homeland  
2            security chemical facility anti-terrorism standards program;  
3            n. A dam regulated by the state or federal government;  
4            o. A natural gas **transmission or** distribution utility facility, including a pipeline  
5            interconnection, a city gate or town border station, a metering station, **below or**  
6            aboveground piping, a regulator station, and a natural gas storage facility;  
7            p. A crude oil or refined product storage and distribution facility, including a valve  
8            site, pipeline interconnection, pump station, metering station, below or  
9            aboveground pipeline or piping, and a truck loading or offloading facility;  
10           q. Any **below or** aboveground portion of an oil, gas, hazardous liquid, or chemical  
11           pipeline, tank, railroad facility, or other storage facility; ~~and~~  
12           r. **An oil and gas production site; and**  
13           s. A site or location designated or approved for the construction of a facility  
14           described in this subsection.