

HOUSE BILL NO. 257

INTRODUCED BY G. KMETZ, S. KELLY, S. KLAKKEN, T. SHARP, T. MILLETT, L. DEMING, S. MANESS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRITICAL INFRASTRUCTURE PROTECTION LAWS; DEFINING BROADBAND AND WIRED COMMUNICATIONS AS A CRITICAL INFRASTRUCTURE FACILITY; AND AMENDING SECTIONS 82-1-601 AND 82-1-602, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-1-601, MCA, is amended to read:

"82-1-601. Definitions. As used in 82-1-601 through 82-1-604, the following definitions apply:

(1) "Critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(2) "Critical infrastructure facility" means:

(a) ~~one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that indicate that entry is forbidden without site authorization:~~

(i) a petroleum or alumina refinery;

(ii) an electric generating facility, substation, switching station, electrical control center, or electric transmission and distribution lines and associated equipment infrastructure;

(iii) a chemical, polymer, or rubber manufacturing facility;

(iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(v) a natural gas compressor station, including but not limited to pipeline interconnections, a city gate or town border station, a metering station, aboveground piping, and a regulation station and natural gas storage facility;

(vi) a liquid natural gas terminal or storage facility;

(vii) a telecommunications central switching office;

- 1 (viii) wireless telecommunications infrastructure;
- 2 (ix) a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation
3 facility;
- 4 (x) a gas processing plant, including a plant used in the processing, treatment, or fractionation of
5 natural gas or natural gas liquids;
- 6 (xi) a transmission facility used by a federally licensed radio or television station;
- 7 (xii) a steelmaking facility that uses an electric arc furnace to make steel;
- 8 (xiii) a facility identified and regulated by the United States department of homeland security
9 chemical facility anti-terrorism standards program;
- 10 (xiv) a dam that is regulated by the state, the federal government, or a tribal government;
- 11 (xv) a natural gas distribution utility facility, including but not limited to pipeline interconnections, a
12 city gate or town border station, a metering station, aboveground piping, a regular station, and a natural gas
13 storage facility;
- 14 (xvi) aboveground oil, gas, hazardous liquid, and chemical pipelines;
- 15 (xvii) aboveground portions of an oil or natural gas well and associated production facilities;
- 16 (xviii) aboveground portions of a mineral or metal mining facility;
- 17 (xix) correctional facilities;
- 18 (xx) cable television, broadband, and wired communications infrastructure, including headends,
19 poles, cable television and broadband lines, coaxial and fiber optic lines, and other equipment attached to cable
20 television lines, broadband, and wired communications infrastructure;
- 21 (xxi) military installations, including but not limited to training areas and armories; and
- 22 (xxii) a crude oil, inclusive of Y-grade or natural gas liquids, or a refined products storage and
23 distribution facility, including but not limited to a value site, pipeline interconnection, pump station, metering
24 station, below or aboveground pipeline or piping, and truck loading or offloading facility;
- 25 (b) a facility for the construction of a location listed in subsection (2)(a); or
- 26 (c) a below or aboveground portion of an oil, gas, hazardous liquid, or chemical transmission or
27 distribution pipeline, tank, railroad facility, or other facility that is completely enclosed by a fence or other
28 physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are

1 posted on the property that indicate that entry is forbidden without site authorization.

2 (3) "Organization" means a group of people, structured in a specific way to achieve a series of
3 shared goals."

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5 **Section 2.** Section 82-1-602, MCA, is amended to read:

6 **"82-1-602. Criminal penalties.** (1) Except as provided in 82-1-604, a person who ~~willfully and~~
7 ~~knowingly purposely or knowingly~~ trespasses on property containing a critical infrastructure facility:

8 (a) that is completely enclosed by a fence or other physical barrier that is obviously designed to
9 exclude intruders with intent to ~~willfully~~ PURPOSELY OR KNOWINGLY damage, destroy, vandalize, deface, tamper
10 with equipment, or materially impede or inhibit operations of the facility shall, on conviction, be guilty of a felony
11 punishable by a fine of not more than \$4,500 or by imprisonment for not more than 18 months or both; and

12 (b) that is clearly marked with a sign or signs that are posted on the property that indicate that
13 entry is forbidden without site authorization with intent to ~~willfully~~ PURPOSELY OR KNOWINGLY damage, destroy,
14 vandalize, deface, tamper with equipment, or materially impede or inhibit operations of the facility shall, on
15 conviction, be guilty of a felony punishable by a fine of not more than \$4,500 or by imprisonment for not more
16 than 18 months or both.

17 (2) A person who ~~willfully~~ PURPOSELY OR KNOWINGLY damages, destroys, vandalizes, defaces, or
18 tampers with the equipment in of a critical infrastructure facility:

19 (a) causing less than \$1,500 in damages shall, on conviction, be guilty of a misdemeanor and may
20 be incarcerated for any term not to exceed 6 months or be fined an amount not to exceed \$500, or both, and
21 must be ordered to make restitution in an amount and manner to be set by the court; and

22 (b) causing damages greater than \$1,500 shall, on conviction, be guilty of a felony punishable by a
23 fine of not more than \$150,000 or by imprisonment for not more than 30 years, or both.

24 (3) An organization found to be in a conspiracy, as the term is used in 45-4-102, with persons who
25 are found to have committed any of the crimes provided in subsection (1) or (2) may be punished by a fine up
26 to 10 times the amount of the fine provided for the appropriate crime."

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