

1 HOUSE BILL NO. 481

2 INTRODUCED BY S. GUNDERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR PROTECTION OF CRITICAL
5 INFRASTRUCTURE; PROVIDING CIVIL AND CRIMINAL PENALTIES FOR PERSONS AND ENTITIES
6 TRESPASSING ON OR DAMAGING CRITICAL INFRASTRUCTURE FACILITIES; EXEMPTING CERTAIN
7 ACTIVITIES; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. Section 1. Definitions. As used in [sections 1 through 3 4]:

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

15 (2) "Critical infrastructure facility" means:

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

19 (i) a petroleum or alumina refinery;

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

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

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

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

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

28 (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 Chemical
9 Facility Anti-Terrorism Standards program;
- 10 (xiv) a dam that is regulated by the state, or THE federal government, OR A TRIBAL GOVERNMENT;
- 11 (xv) a natural gas distribution utility facility, including but not limited to pipeline interconnections, a city
12 gate or town border station, a metering station, aboveground piping, a regular station, and a natural gas storage
13 facility;
- 14 (xvi) aboveground oil, gas, hazardous liquid, and chemical pipelines;
- 15 (xvii) aboveground portions of an oil or 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 infrastructure, including headends, poles, cable television lines, coaxial and fiber
19 optic lines, and other equipment attached to cable television lines;
- 20 (xxi) military installations, including but not limited to training areas and armories; and
- 21 (xxii) a crude oil, inclusive of Y-grade or natural gas liquids, or a refined products storage and
22 distribution facility, including but not limited to a value site, pipeline interconnection, pump station, metering
23 station, below or aboveground pipeline or piping, and truck loading or offloading facility; ;
- 24 (b) a facility for the construction of a location listed in subsection (2)(a); OR
- 25 (c) a below or aboveground portion of an oil, gas, hazardous liquid, or chemical transmission or
26 distribution pipeline, tank, railroad facility, or other facility that is completely enclosed by a fence or other
27 physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are
28 posted on the property that indicate that entry is forbidden without site authorization; or.

1 ~~(d) a belowground oil, natural gas, or natural gas liquids transmission line.~~

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

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5 NEW SECTION. Section 2. Criminal penalties. (1) ~~A-EXCEPT AS PROVIDED IN [SECTION 4],~~ A person
6 who willfully and knowingly trespasses or enters property containing a critical infrastructure facility:

7 (a) without permission by the owner of the critical infrastructure shall, on conviction, be guilty of a
8 misdemeanor punishable by a fine of not more than \$1,500 or by imprisonment in the county jail for not more
9 than 6 months, or both; or

10 (b) without permission by the owner of the critical infrastructure and with intent to willfully damage,
11 destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility shall, on
12 conviction, be guilty of a felony punishable by a fine of not more than \$4,500 or by imprisonment for not more
13 than 18 months, or both.

14 (2) A person who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a
15 critical infrastructure facility shall, on conviction, be guilty of a felony punishable by a fine of not more than
16 \$150,000 or by imprisonment for not more than 30 years, or both.

17 (3) An organization found to be a conspirator with persons who are found to have committed any of
18 the crimes provided in subsection (1) or (2) shall be punished by a fine that is 10 times the amount of the fine
19 provided for the appropriate crime.

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21 NEW SECTION. Section 3. Civil penalties. (1) A person who trespasses in a critical infrastructure
22 facility may be held liable for damages to personal or real property while trespassing, including damages and
23 expenses from network performance or outage issues proximately caused by the trespass.

24 (2) A person or entity that compensates, provides consideration to, or remunerates a person for
25 trespassing as described in subsection (1) may also be held vicariously liable for damages to personal or real
26 property committed by the person compensated or remunerated for trespassing.

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28 NEW SECTION. SECTION 4. EXEMPT ACTIVITIES. NOTHING IN [SECTIONS 1 THROUGH 4] MAY BE

1 CONSTRUED TO LIMIT LEGALLY PERMISSIBLE ACTIVITY UNDER 29 U.S.C. 151 THROUGH 169, AS THOSE SECTIONS
2 EXISTED ON DECEMBER 23, 2020.

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4 NEW SECTION. Section 5. Codification instruction. [Sections 1 through 3 4] are intended to be
5 codified as an integral part of Title 82, and the provisions of Title 82 apply to [sections 1 through 3 4].

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7 NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are
8 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
9 the part remains in effect in all valid applications that are severable from the invalid applications.

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11 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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