

Amendment - 1st Reading-white - Requested by: Greg Kmetz - (H) Energy, Technology, and Federal Relations

- 2025

69th Legislature 2025

Drafter: Griffin Burns,

HB0257.001.001

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;

Amendment - 1st Reading-white - Requested by: Greg Kmetz - (H) Energy, Technology, and Federal Relations

- 2025

69th Legislature 2025

Drafter: Griffin Burns,

HB0257.001.001

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

Amendment - 1st Reading-white - Requested by: Greg Kmetz - (H) Energy, Technology, and Federal Relations

- 2025

69th Legislature 2025

Drafter: Griffin Burns,

HB0257.001.001

distribution pipeline, tank, railroad facility, or other facility that is 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.

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

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

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

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

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

(2) A person who ~~willfully purposely or knowingly~~ damages, destroys, vandalizes, defaces, or tampers with the equipment ~~in~~ of a critical infrastructure facility:

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

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

(3) An organization found to be in a conspiracy, as the term is used in 45-4-102, with persons who are found to have committed any of the crimes provided in subsection (1) or (2) may be punished by a fine up

Amendment - 1st Reading-white - Requested by: Greg Kmetz - (H) Energy, Technology, and Federal Relations

- 2025

69th Legislature 2025

Drafter: Griffin Burns,

HB0257.001.001

1 to 10 times the amount of the fine provided for the appropriate crime."

2 - END -

AMENDED