

House File 2394 - Introduced

HOUSE FILE 2394

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 603)

(COMPANION TO SF 2235 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to criminal acts committed on or against
2 critical infrastructure property and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 716.11 Critical infrastructure
2 sabotage — definitions.

3 Solely for purposes of this section and section 716.12,
4 unless the context otherwise requires:

5 1. "*Critical infrastructure*" means any of the following:

6 a. Electrical critical infrastructure, including any plant,
7 maintenance facility, parts warehouse, yard, substation,
8 transmission or delivery line, tower or pole with transmission
9 or delivery lines affixed, transformer, or any implement that
10 is used to generate, store, control, monitor, transmit or
11 deliver electrical service. Electrical critical infrastructure
12 also includes any supervisory control and data acquisition
13 system, or other electronic or computer instrument, that
14 may control or monitor any component of electrical critical
15 infrastructure.

16 b. Gas, oil, petroleum, refined petroleum products,
17 or chemical critical infrastructure, including any gas,
18 petroleum, or chemical-producing well, compressor station,
19 processing plant, storage and distribution facility, storage
20 tank, chemical truck or rail car, loading and unloading
21 area, chemical container storage, substation, pump station,
22 metering station, valve, regulator or meter, or transmission or
23 distribution main, line, or pipeline, that is used to generate,
24 store, control, monitor, transmit or deliver gas, chemicals,
25 oil, petroleum, refined product, fertilizer, or renewable fuel.
26 Gas, oil, petroleum, refined petroleum products, or chemical
27 critical infrastructure also includes any physical, electronic,
28 or computer implement that may control or monitor any component
29 of gas, oil, petroleum, refined petroleum products, and
30 chemical critical infrastructure. For the purposes of this
31 paragraph, "*petroleum*" means as defined in section 455B.471.

32 c. Telecommunications or broadband critical infrastructure,
33 including any structure, pedestal, x-box, cross-box, manhole,
34 handhold, splice point, antenna, cable, server, router, modem,
35 coupler, or any other property, that is used for the purpose

1 of reception or transmission of telecommunications or radio or
2 broadband signals. Telecommunications or broadband critical
3 infrastructure also includes any other physical, electronic, or
4 computer implement that may control or monitor any component of
5 telecommunications or broadband critical infrastructure.

6 *d.* Transportation critical infrastructure, including
7 roadways, highways, bridges, tunnels, and associated
8 infrastructure; airports, control towers, communication
9 towers, and associated infrastructure; railroads, rail
10 segments, bridges, and associated infrastructure that support
11 either passenger or freight; transit systems not limited to
12 bus, light rail and people-mover systems, and associated
13 infrastructure; and intermodal facilities. Transportation
14 critical infrastructure also includes any associated physical,
15 electronic, or computer implement that may control or monitor
16 any component of transportation critical infrastructure.

17 *e.* Wastewater critical infrastructure, including any
18 lateral service line, collection line, manhole, trunk line,
19 storage tank, chemical storage, methane storage, laboratory,
20 pump station, or treatment plant. Wastewater critical
21 infrastructure also includes any physical, electronic, or
22 computer implement that may control or monitor any component of
23 wastewater critical infrastructure.

24 *f.* Water supply critical infrastructure, including any
25 public or private water supply system and all component
26 facilities thereof, body of water or aquifer used as a source
27 of water supply, water supply intake facilities, water supply
28 treatment facilities, treated water storage facilities, or
29 water supply distribution facilities. Water supply critical
30 infrastructure also includes any raw water intakes, wells,
31 pump stations, holding tanks, water towers, aquifer storage
32 and recovery systems, water mains, control valves, hydrants,
33 curb boxes, meter vaults, meters, distribution service lines,
34 treatment, filtration, or chlorination implements, or any
35 physical, electronic, or computer implement that may control or

1 monitor any component of a water supply system.

2 2. "*Critical infrastructure property*" means property and
3 public utility property, both as defined in section 716.7, that
4 is considered critical infrastructure.

5 3. "*Critical infrastructure sabotage*" means any unauthorized
6 act that is intended to cause a substantial interruption
7 or impairment of service rendered to the public relating
8 to critical infrastructure property. However, "*critical*
9 *infrastructure sabotage*" does not include an accidental
10 interruption or impairment of service rendered to the public
11 caused by a person in the performance of the person's work
12 duties.

13 Sec. 2. NEW SECTION. 716.12 **Critical infrastructure**
14 **sabotage — penalties.**

15 A person committing critical infrastructure sabotage commits
16 a class "B" felony, and in addition to the provisions of
17 section 902.9, subsection 1, paragraph "b", shall be punished by
18 a fine of not less than eighty-five thousand dollars nor more
19 than one hundred thousand dollars.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill creates the crime of critical infrastructure
24 sabotage.

25 The bill defines critical infrastructure property as
26 property and public utility property, both as defined in Code
27 section 716.7, that is considered critical infrastructure. The
28 bill defines critical infrastructure to include electrical
29 critical infrastructure, gas, oil, petroleum, refined
30 petroleum products, or chemical critical infrastructure,
31 telecommunications or broadband critical infrastructure,
32 transportation critical infrastructure, wastewater critical
33 infrastructure, and water supply critical infrastructure. The
34 bill additionally defines critical infrastructure sabotage
35 to mean any unauthorized act that is intended to cause a

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1 substantial interruption or impairment of service rendered to
2 the public relating to critical infrastructure property. The
3 bill provides that critical infrastructure sabotage does not
4 include any accidental interruption or impairment of service
5 rendered in the performance of the person's work duties. The
6 bill provides that a person who commits critical infrastructure
7 sabotage commits a class "B" felony, punishable by confinement
8 for no more than 25 years. The bill also subjects a person who
9 commits critical infrastructure sabotage to a fine of not less
10 than \$85,000 nor more than \$100,000.