

2018 Regular Session

HOUSE BILL NO. 727

BY REPRESENTATIVES THIBAUT, ABRAHAM, AMEDEE, ANDERS, BAGLEY, BERTHELOT, BILLIOT, BISHOP, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, COUSSAN, CREWS, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSGENS, HODGES, HOFFMANN, HORTON, HOWARD, HUVAL, LEBAS, LEOPOLD, MACK, MAGEE, MCFARLAND, MIGUEZ, JIM MORRIS, POPE, PUGH, PYLANT, RICHARD, SCHEXNAYDER, SEABAUGH, STAGNI, STEFANSKI, TALBOT, THOMAS, WRIGHT, AND ZERINGUE AND SENATORS BOUDREAUX, CHABERT, CLAITOR, CORTEZ, ERDEY, HEWITT, JOHNS, LAFLEUR, LAMBERT, MORRISH, RISER, THOMPSON, WALSWORTH, AND WHITE

CRIME: Provides relative to unauthorized entry of and criminal damage to a critical infrastructure

1 AN ACT
2 To amend and reenact R.S. 14:61(B)(1) and (C) and to enact R.S. 14:61(B)(3), 61.1, and
3 61.2, relative to offenses involving critical infrastructure; to provide relative to the
4 crime of unauthorized entry of a critical infrastructure; to amend the definition of
5 "critical infrastructure"; to provide for a definition of "pipeline"; to amend penalties
6 for the crime of unauthorized entry of a critical infrastructure; to create the crime of
7 criminal damage to critical infrastructure; to provide for elements of the offense; to
8 provide for criminal penalties; to provide relative to court costs and costs of
9 investigation; to provide for restitution; to create the crime of conspiracy to engage
10 in unauthorized entry of a critical infrastructure or in criminal damage to a critical
11 infrastructure; to provide for elements of the offense; to provide for criminal
12 penalties; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 14:61(B)(1) and (C) is hereby amended and reenacted and R.S.
15 14:61(B)(3), 61.1, and 61.2 are hereby enacted to read as follows:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §61. Unauthorized entry of a critical infrastructure

2 * * *

3 B. For the purposes of this Section, the following words shall have the
4 following meanings:

5 (1) "Critical infrastructure" ~~shall include but not be limited to~~ means any and
6 all structures, equipment, or other immovable or movable property located within or
7 upon chemical manufacturing facilities, refineries, electrical power generating
8 facilities, electrical transmission substations and distribution substations, water
9 intake structures and water treatment facilities, natural gas transmission compressor
10 stations, liquified natural gas (LNG) terminals and storage facilities, natural gas and
11 hydrocarbon storage facilities, ~~and~~ transportation facilities, such as ports, railroad
12 switching yards, pipelines, and trucking terminals, or any site where the construction
13 or improvement of any facility or structure referenced in this Section is occurring.

14 * * *

15 (3) "Pipeline" means flow, transmission, distribution, or gathering lines,
16 regardless of size or length, which transmit or transport oil, gas, petrochemicals,
17 minerals, or water in a solid, liquid, or gaseous state.

18 C. Whoever commits the crime of unauthorized entry of a critical
19 infrastructure shall be imprisoned with or without hard labor for not more than five
20 years, fined not more than one thousand dollars ~~or imprisoned with or without hard~~
21 ~~labor for not more than six years~~, or both.

22 * * *

23 §61.1. Criminal damage to a critical infrastructure

24 A. Criminal damage to a critical infrastructure is the intentional damaging
25 of a critical infrastructure as defined in R.S. 14:61.

26 B. Any person who commits the crime of criminal damage to a critical
27 infrastructure shall be imprisoned with or without hard labor for not less than one
28 year nor more than fifteen years, fined not more than ten thousand dollars, or both.

1 C. Any person who commits the crime of criminal damage to a critical
2 infrastructure wherein it is foreseeable that human life will be threatened or
3 operations of a critical infrastructure will be disrupted as a result of such conduct
4 shall be imprisoned at hard labor for not less than six years nor more than twenty
5 years, fined not more than twenty-five thousand dollars, or both.

6 D. Any person convicted under the provisions of this Section may be
7 assessed court costs and the costs of investigation and prosecution reasonably
8 incurred. The funds received for the costs of investigation shall be remitted to the
9 law enforcement agency conducting such investigation.

10 E. In addition to the penalties provided by the provisions of this Section, a
11 person convicted under the provisions of this Section may be ordered to make full
12 restitution to the owner of the property. If a person ordered to make restitution is
13 found to be indigent and therefore unable to make restitution in full at the time of
14 conviction, the court shall order a periodic payment plan consistent with the person's
15 ability to pay.

16 §61.2. Conspiracy to engage in unauthorized entry of a critical infrastructure or to
17 engage in criminal damage to a critical infrastructure

18 A. If two or more persons conspire to violate R.S. 14:61, each person shall
19 be imprisoned with or without hard labor for not more than five years, fined not more
20 than ten thousand dollars, or both.

21 B. Except as provided in Subsection C of this Section, if two or more
22 persons conspire to violate R.S. 14:61.1, each person shall be imprisoned with or
23 without hard labor for not less than one year nor more than fifteen years, fined not
24 more than one hundred thousand dollars, or both.

25 C. If two or more persons conspire to violate R.S. 14:61.1 wherein it is
26 foreseeable that human life will be threatened or operations of a critical
27 infrastructure will be disrupted as a result of such conduct, each person shall be
28 imprisoned at hard labor for not less than six years nor more than twenty years, fined
29 not more than two hundred fifty thousand dollars, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 727 Original

2018 Regular Session

Thibaut

Abstract: Amends the crime of unauthorized entry of a critical infrastructure and creates the crime of criminal damage to a critical infrastructure and the crime of conspiracy to commit either of these offenses.

Present law provides for the crime of unauthorized entry of a critical infrastructure and defines critical infrastructure as any chemical manufacturing facility, refinery, electrical power generating facility, electrical transmission substation and distribution substation, water intake structure and water treatment facility, natural gas transmission compressor station, liquified natural gas (LNG) terminal and storage facility, natural gas and hydrocarbon storage facility, and transportation facility, such as ports, railroad switching yards, and trucking terminals.

Proposed law amends the present law definition of "critical infrastructure" to do both of the following:

- (1) Include any and all structures, equipment, or other immovable or movable property located within or upon such facilities, including any site where the construction or improvement of any such facility or structure is occurring.
- (2) Include "pipeline" which is defined by proposed law to mean flow, transmission, distribution, or gathering lines, regardless of size or length, which transmit or transport oil, gas, petrochemicals, minerals, or water in a solid, liquid, or gaseous state.

Present law provides that whoever commits the crime of unauthorized entry of a critical infrastructure shall be fined not more than \$1,000 or imprisoned with or without hard labor for not more than six years, or both.

Proposed law amends the present law penalties to provide that such persons shall be imprisoned with or without hard labor for not more than five years, fined not more than \$1,000, or both.

Proposed law creates the crime of criminal damage to a critical infrastructure and defines it as the intentional damaging of a critical infrastructure as defined by present law. Further provides for the following penalties:

- (1) Imprisonment with or without hard labor for not less than one year nor more than 15 years, a fine of not more than \$10,000, or both.
- (2) If it is foreseeable that human life will be threatened or operations of a critical infrastructure will be disrupted as a result of the conduct - imprisonment at hard labor for not less than six years nor more than 20 years, a fine of not more than \$25,000, or both.

Proposed law provides that any person convicted of this offense may be assessed court costs and the costs of investigation and prosecution reasonably incurred, with the funds received for the costs of investigation being remitted to the law enforcement agency conducting the investigation.

Proposed law authorizes the court to order that the person make full restitution to the owner of the property either by payment in full or under a periodic payment plan consistent with the person's ability to pay.

Proposed law creates the crime of conspiracy to engage in unauthorized entry of a critical infrastructure or to engage in criminal damage to a critical infrastructure, and provides for the following penalties:

- (1) If two or more persons conspire to commit the crime of unauthorized entry of a critical infrastructure, each person shall be imprisoned with or without hard labor for not more than five years, fined not more than \$10,000, or both.
- (2) If two or more persons conspire to commit criminal damage to a critical infrastructure, each person shall be imprisoned with or without hard labor for not less than one year nor more than 15 years, fined not more than \$100,000, or both.
- (3) If two or more persons conspire to commit criminal damage to a critical infrastructure wherein it is foreseeable that human life will be threatened or operations of a critical infrastructure will be disrupted as a result of such conduct, each person shall be imprisoned at hard labor for not less than six years nor more than 20 years, fined not more than \$250,000, or both.

(Amends R.S. 14:61(B)(1) and (C); Adds R.S. 14:61(B)(3), 61.1, and 61.2)