

RÉSUMÉ DIGEST

ACT 692 (HB 727)

2018 Regular Session

Thibaut

Existing 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.

New law retains the existing law definition of "critical infrastructure" and adds to it both of the following:

- (1) 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) A "pipeline" which is defined by new law to include 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.

Prior law provided that whoever committed 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.

New law penalties 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.

New law further provides that existing law does not apply to or prevent the following:

- (1) Lawful assembly and peaceful and orderly petition, picketing, or demonstration to express ideas or views regarding legitimate matters of public interest.
- (2) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline.
- (3) The right of ownership for an owner of an immovable.

New 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 existing law. New law further provides for the following penalties:

- (1) Imprisonment with or without hard labor for not 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 more than 20 years, a fine of not more than \$25,000, or both.

New law also authorizes the court to order that the person make restitution to the owner of the property pursuant to existing law (C.Cr.P. Art. 883.2).

New law further provides that any person convicted under the existing law crime of criminal conspiracy in violation of new law (criminal damage to a critical infrastructure) shall not be limited by the existing law fine and imprisonment where it is foreseeable that more than one human life will be threatened, and provides that each conspirator is to be imprisoned at hard labor for not more than 12 years, fined not more than \$250,000, or both.

Effective August 1, 2018.

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

