

2019 Regular Session

HOUSE BILL NO. 7

BY REPRESENTATIVE DWIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crime of communication interference

1 AN ACT

2 To enact R.S. 14:73.11, relative to communications; to create the crime of communication  
3 interference; to provide elements of the crime; to provide for criminal penalties; to  
4 provide for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:73.11 is hereby enacted to read as follows:

7 §73.11. Communication interference

8 A. It shall be unlawful for any person to willfully or maliciously injure,  
9 destroy, obstruct, hinder, delay the transmission of, or interfere with any of the  
10 following communications:

11 (1) A communication that is operated or controlled by the state, its  
12 contractors, or its political subdivisions.

13 (2) A communication that is used or intended to be used for military or civil  
14 defense functions of the state.

15 (3) A communication that is controlled by any domestic or foreign  
16 corporation, limited liability company, or other legal entity created for the purpose  
17 of or engaged in generating, transmitting, providing, and distributing utilities or  
18 utility services to the public.

19 B. For purposes of this Section:

20 (1) "Communication" includes any radio, telegraph, telephone, electronic,  
21 satellite, or cable communication.

1           (2) "Utilities" or "utility services" includes services such as electricity, water,  
2           natural gas, steam, cable, or electronic communication systems.

3           C. The provisions of this Section shall not apply to any of the following:

4           (1) Any lawful strike activity, or other lawful concerted activities for the  
5           purposes of collective bargaining or other mutual aid and protection which do not  
6           injure or destroy any line or system used or intended to be used for and by the state,  
7           for military or civil defense functions of the state, or for any private entity as  
8           described in Subsection A of this Section.

9           (2) An entity the security issues of which are subject to approval, control,  
10          regulation, or supervision by the federal government or any agency thereof under any  
11          other federal statute; an entity whose business is subject to regulation by the Federal  
12          Communications Commission; or any entity conducting or carrying on its business  
13          or operations in two or more states.

14          (3) Member-owned electronic cooperatives, municipally owned electric  
15          service providers, privately owned utilities, or investor-owned utilities regulated by  
16          the Louisiana Public Service Commission or the city council of New Orleans.

17          D.(1) Any person convicted of a first offense of Subsection A of this Section  
18          shall be subject to a fine of not more than ten thousand dollars, imprisonment with  
19          or without hard labor for not more than ten years, or both.

20          (2) Any person convicted of a second or subsequent offense of Subsection  
21          A of this Section shall be subject to a fine of not more than ten thousand dollars,  
22          imprisonment with or without hard labor for not more than fifteen years, or both.

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#### 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)]

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HB 7 Reengrossed

2019 Regular Session

Dwight

**Abstract:** Prohibits interference with communications of the state, military or civil defense, or any legal entity created for the purpose of providing utility services to the public.

Proposed law creates the crime of communication interference and defines it as the willful or malicious interference with any communication operated or controlled by the state; used

or intended to be used by the military or civil defense functions; or controlled by any legal entity created for the purpose of or engaged in generating, transmitting, providing, and distributing utilities or utility services to the public.

Proposed law provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than ten years, or both, for a first offense. For a second or subsequent offense, provides penalties of a fine of not more than \$10,000, imprisonment with or without hard labor for not more than fifteen years, or both.

Proposed law provides exceptions to the proposed law crime for the following:

- (1) Certain activities performed for purposes of collective bargaining or mutual aid protection, for military or civil defense functions, or for certain private entities provided in proposed law.
- (2) An entity the security issues of which are subject to approval, control, regulation, or supervision by the federal government or any agency thereof under any other federal statute; an entity whose business is subject to regulation by the Federal Communications Commission; or any entity conducting or carrying on its business or operations in two or more states.
- (3) Member-owned electronic cooperatives, municipally owned electric service providers, privately owned utilities, or investor-owned utilities regulated by the La. Public Service Commission or the city council of New Orleans.

(Adds R.S. 14:73.11)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add an exception to the crime for certain entities regulated by the federal government or federal agencies and for certain entities regulated by the La. Public Service Commission or the city council of New Orleans.

The House Floor Amendments to the engrossed bill:

1. Require the term of imprisonment to be served with or without hard labor.