AN ACT

To amend and reenact R.S. 14:61(B)(1), (C), and (D) and to enact R.S. 14:61(B)(3) and 61.1, relative to offenses involving critical infrastructure; to provide relative to the crime of unauthorized entry of a critical infrastructure; to amend the definition of "critical infrastructure"; to provide for a definition of "pipeline"; to amend the penalties for the crime of unauthorized entry of a critical infrastructure; to create the crime of criminal damage to critical infrastructure; to provide for elements of the offense; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§61. Unauthorized entry of a critical infrastructure

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

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

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(3) "Pipeline" means 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.

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

D. Nothing in this Section shall be construed to apply to or prevent the
following: lawful assembly and peaceful and orderly petition for the redress of
grievances, including but not limited to any labor dispute between any employer and
its employee:

   (1) Lawful assembly and peaceful and orderly petition, picketing, or
demonstration for the redress of grievances or to express ideas or views regarding
legitimate matters of public interest, including but not limited to any labor dispute
between any employer and its employee or position protected by the United States
Constitution or the Constitution of Louisiana.

   (2) Lawful commercial or recreational activities conducted in the open or
unconfined areas around a pipeline, including but not limited to fishing, hunting,
boating, and birdwatching.

   (3) Nothing in this Section shall be construed to prevent the owner of an
immovable from exercising right of ownership, including use, enjoyment, and
disposition within the limits and under the conditions established by law."
§61.1. Criminal damage to a critical infrastructure

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

B. Any person who commits the crime of criminal damage to a critical
infrastructure shall be imprisoned with or without hard labor for not more than
fifteen years, fined not more than ten thousand dollars, or both.

C. Any person who commits the crime of 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
shall be imprisoned at hard labor for not more than twenty years, fined not more than
twenty-five thousand dollars, or both.

D. A person convicted under the provisions of this Section may be ordered
to make restitution to the owner of the property pursuant to Code of Criminal
Procedure Article 883.2.

E. A person convicted under R.S. 14:26 of violation of R.S. 14:61.1 shall not
be limited by R.S. 14:26(D) where it is foreseeable that more than one human life
will be threatened as a result of such conduct, and each conspirator shall be
imprisoned at hard labor for no more than twelve years, fined not more than two
hundred fifty thousand dollars, or both.