

2020 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE ZERINGUE

CRIME: Provides relative to the crime of unauthorized entry of a critical infrastructure

1 AN ACT

2 To amend and reenact R.S. 14:61(B)(1) and (C), relative to unauthorized entry of a critical
3 infrastructure; to amend the definition of critical infrastructure to include water
4 control structures, floodgates, and pump stations; to provide relative to criminal
5 penalties; to provide for penalties when the crime is committed during the existence
6 of a state of emergency; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:61(B)(1) and (C) are hereby amended and reenacted to read as
9 follows:

10 §61. Unauthorized entry of a critical infrastructure

11 * * *

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

14 (1) "Critical infrastructure" means any and all structures, equipment, or other
15 immovable or movable property located within or upon chemical manufacturing
16 facilities, refineries, electrical power generating facilities, electrical transmission
17 substations and distribution substations, water intake structures and water treatment
18 facilities, natural gas transmission compressor stations, liquified natural gas (LNG)
19 terminals and storage facilities, natural gas and hydrocarbon storage facilities,
20 transportation facilities, such as ports, railroad switching yards, pipelines, and

1 trucking terminals, water control structures, including floodgates or pump stations,
2 or any site where the construction or improvement of any facility or structure
3 referenced in this Section is occurring.

4 * * *

5 C.(1) Whoever commits the crime of unauthorized entry of a critical
6 infrastructure shall be imprisoned with or without hard labor for not more than five
7 years, fined not more than one thousand dollars, or both.

8 (2) Whoever commits the crime of unauthorized entry of a critical
9 infrastructure during the existence of a state of emergency, which has been declared
10 pursuant to law by the governor or the chief executive officer of any parish, may be
11 fined not less than five thousand dollars nor more than ten thousand dollars and shall
12 be imprisoned at hard labor for not less than three years nor more than fifteen years
13 without benefit of probation, parole, or suspension of sentence.

14 * * *

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 197 Original

2020 Regular Session

Zeringue

Abstract: Relative to the crime of unauthorized entry of a critical infrastructure, amends the definition of "critical infrastructure" to add water control structures, including floodgates or pump stations, and provides for an increased penalty when the crime is committed during the existence of a state of emergency.

Present law provides for the crimes of unauthorized entry of a critical infrastructure and criminal damage to a critical infrastructure.

Present law defines "critical infrastructure" as 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 terminals and storage facilities, natural gas and hydrocarbon storage facilities, 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 is occurring.

Proposed law amends the present law definition of "critical infrastructure" to add water control structures including floodgates or pump stations.

Present law provides that 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 \$1,000, or both.

Proposed law retains the present law penalties and provides for a fine of not less than \$5,000 nor more \$10,000 and imprisonment at hard labor for not less than three years nor more than 15 years without benefit of probation, parole, or suspension of sentence when the crime is committed during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish.

(Amends R.S. 14:61(B)(1) and (C))