
DIGEST

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HB 727 Reengrossed

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

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, as defined by present law (R.S. 14:26), 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, as defined by present law (R.S. 14:26), 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, as defined by present law (R.S. 14:26), 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)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the provision which authorized the court to assess court costs and costs of investigation and prosecution.
2. Provide that the proposed law authorization to require the person to make restitution to the property owner shall be pursuant to the present law provision which provides for the payment of restitution in criminal cases.
3. For purposes of proposed law, define "conspire" as that term is defined by present law (R.S. 14:26).