

RÉSUMÉ DIGEST

HB 197

2020 Regular Session

Zeringue

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 would have amended 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 would have provided for a fine of not more than \$5,000 and imprisonment at hard labor for not less than three years nor more than 15 years 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.

(Proposed to amend R.S. 14:61(B)(1) and (C))

VETO MESSAGE:

"House Bill 197 was designed by Rep. Jerome Zeringue to add "water control structures, including floodgates and pump stations" to the list of critical infrastructure contained in Act 692 of the 2018 Regular Session. While I support protecting critical water control structures and the intention of the bill, there are two critical problems that provide the reasons for my veto.

First, the second section of the bill provides for enhanced criminal penalties and a mandatory minimum jail sentence of three years if the unauthorized entry occurs during the existence of a "state of emergency." While this was intended by the author to cover only the imminent threat of a tropical event, it ends up being the default penalty. Louisiana is currently under eleven different states of emergency, ranging from the most recent event of Tropical Storm Cristobal to the March flooding in 2016. Since Louisiana is in a constant state of emergency, there would likely never be a time when the lesser penalty is in effect.

Further, the term "water control structure" is ill-defined in the bill. In many areas around the state, for example, levees are used for public recreation. Although clearly not intended by the bill, the inclusion of these structures could potentially criminalize conduct that does not endanger the water control structures. As stated above, I will be happy to work with Rep. Zeringue in a future session to protect this critical infrastructure, and I am confident we can amend Act 692 to provide a reasonable solution that does not have the unintended consequences of HB 197."