

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 727

2018 Regular Session

Thibaut

CRIME: Provides relative to unauthorized entry of and criminal damage to a critical infrastructure

Synopsis of Senate Amendments

1. Removes the proposed law mandatory minimum terms of imprisonment from the proposed law crime of criminal damage to a critical infrastructure.
2. Removes the proposed law crime of conspiracy to engage in unauthorized entry of a critical infrastructure or to engage in criminal damage to a critical infrastructure.
3. Relative to the crime of unauthorized entry of a critical infrastructure, provides that it does not apply to or prevent the following:
 - (a) Lawful assembly and peaceful and orderly petition, picketing, or demonstration to express ideas or views regarding legitimate matters of public interest.
 - (b) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline.
 - (c) The right of ownership for an owner of an immovable.
4. Relative to the proposed law crime of criminal damage to a critical infrastructure, provides that any person convicted under present law crime of criminal conspiracy in violation of proposed law shall not be limited by the present law fine and imprisonment where it is foreseeable that more than one human life will be threatened, and provides that each conspirator is to be imprisoned at hard labor for not more than 12 years, fined not more than \$250, or both.
5. Makes technical corrections.

Digest of Bill as Finally Passed by Senate

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, liquefied 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 further provides that present law does not apply to or prevent the following:

- (1) Lawful assembly and peaceful and orderly petition, picketing, or demonstration to express ideas or views regarding legitimate matters of public interest.
- (2) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline.
- (3) The right of ownership for an owner of an immovable.

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 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 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 further provides that any person convicted under the present law crime of criminal conspiracy in violation of proposed law (criminal damage to a critical infrastructure) shall not be limited by the present law fine and imprisonment where it is foreseeable that more than one human life will be threatened, and provides that each conspirator is to be imprisoned at hard labor for not more than 12 years, fined not more than \$250, or both.

(Amends R.S. 14:61(B)(1), (C), and (D); Adds R.S. 14:61(B)(3) and 61.1)