

2018 Regular Session

HOUSE BILL NO. 727

BY REPRESENTATIVES THIBAUT, ABRAHAM, AMEDEE, ANDERS, BAGLEY, BERTHELOT, BILLIOT, BISHOP, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, COUSSAN, CREWS, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSGENS, HODGES, HOFFMANN, HORTON, HOWARD, LEBAS, LEOPOLD, MACK, MAGEE, MCFARLAND, MIGUEZ, JIM MORRIS, NORTON, POPE, PUGH, PYLANT, RICHARD, SCHEXNAYDER, SEABAUGH, STAGNI, STEFANSKI, TALBOT, THOMAS, WRIGHT, AND ZERINGUE AND SENATORS BOUDREAUX, CHABERT, CLAITOR, CORTEZ, ERDEY, HEWITT, JOHNS, LAFLEUR, LAMBERT, MORRISH, RISER, THOMPSON, WALSWORTH, AND WHITE

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 §61. Unauthorized entry of a critical infrastructure

13 \* \* \*

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

16 (1) "Critical infrastructure" ~~shall include but not be limited to~~ means any and  
17 all structures, equipment, or other immovable or movable property located within or  
18 upon chemical manufacturing facilities, refineries, electrical power generating

1 facilities, electrical transmission substations and distribution substations, water  
 2 intake structures and water treatment facilities, natural gas transmission compressor  
 3 stations, liquified natural gas (LNG) terminals and storage facilities, natural gas and  
 4 hydrocarbon storage facilities, ~~and~~ transportation facilities, such as ports, railroad  
 5 switching yards, pipelines, and trucking terminals, or any site where the construction  
 6 or improvement of any facility or structure referenced in this Section is occurring.

7 \* \* \*

8 (3) "Pipeline" means flow, transmission, distribution, or gathering lines,  
 9 regardless of size or length, which transmit or transport oil, gas, petrochemicals,  
 10 minerals, or water in a solid, liquid, or gaseous state.

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

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

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

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

27 (3) Nothing in this Section shall be construed to prevent the owner of an  
 28 immovable from exercising right of ownership, including use, enjoyment, and  
 29 disposition within the limits and under the conditions established by law."

1           §61.1. Criminal damage to a critical infrastructure

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

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

7                   C. Any person who commits the crime of criminal damage to a critical  
8           infrastructure wherein it is foreseeable that human life will be threatened or  
9           operations of a critical infrastructure will be disrupted as a result of such conduct  
10           shall be imprisoned at hard labor for not more than twenty years, fined not more than  
11           twenty-five thousand dollars, or both.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_