

2024 Regular Session

HOUSE BILL NO. 507

BY REPRESENTATIVE ZERINGUE

CRIME: Provides relative to the unlawful entry of a critical infrastructure

1 AN ACT

2 To amend and reenact R.S. 14:61(B) through (D) and to enact R.S. 14:61(E), relative to the
3 unlawful entry of a critical infrastructure; to provide relative to the definition of a
4 critical infrastructure; to provide for enhanced sentencing upon subsequent offenses;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:61(B) through (D) are hereby amended and reenacted and R.S.
8 14:61(E) is hereby enacted to read as follows:

9 §61. Unauthorized entry of a critical infrastructure

10 * * *

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

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

1 or any site where the construction or improvement of any facility or structure
2 referenced in this Section is occurring.

3 * * *

4 C.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,
5 whoever commits the crime of unauthorized entry of a critical infrastructure shall be
6 imprisoned with or without hard labor for not more than five years, fined not more
7 than one thousand dollars, or both.

8 (2) On a conviction for a second or subsequent violation of Subsection A of
9 this Section, the offender shall be imprisoned with or without hard labor for not less
10 than six months nor more than ten years, fined not less than five hundred dollars nor
11 more than four thousand dollars, or both.

12 D. Whoever commits the crime of unauthorized entry of a critical
13 infrastructure during the existence of a state of emergency, which has been declared
14 by the governor or the chief executive officer of any parish, shall be fined not more
15 than five thousand dollars and shall be imprisoned at hard labor for not less than
16 three years nor more than fifteen years.

17 ~~D.E.~~ Nothing in this Section shall be construed to apply to or prevent the
18 following:

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.

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 507 Engrossed

2024 Regular Session

Zeringue

Abstract: Provides relative to the elements of the crime of unauthorized entry of a critical infrastructure and provides for penalties.

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 present law and provides that whoever commits a second or subsequent offense shall be fined not less than \$500 nor more than \$4,000, or imprisoned with or without hard labor for not less than six months nor more than 10 years, or both.

Proposed law provides that whoever commits the crime of unauthorized entry of a critical infrastructure during the existence of a state of emergency, which has been declared by the governor or the chief executive officer of any parish, shall be fined not more than \$5,000 and imprisoned at hard labor for not less than three years nor more than 15 years.

(Amends R.S. 14.61(B)-(D); Adds R.S. 14:61(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restructure the provisions of proposed law to clarify when certain penalties are applicable.