

Regular Session, 2010

HOUSE BILL NO. 880

BY REPRESENTATIVES WHITE, DOVE, HARRISON, AND ST. GERMAIN AND  
SENATOR N. GAUTREAUX

WATERWAYS: Establishes a state criminal penalty for violation of a federally established  
safety or security zone on waterways

1 AN ACT

2 To enact R.S. 34:851.14.1, relative to safety zones and security zones; to provide for  
3 definitions; to prohibit violating restrictions of an established safety zone or security  
4 zone; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 34:851.14.1 is hereby enacted to read as follows:

7 §851.14.1. Safety and security zones

8 A. For the purposes of this Section, the following terms shall have the  
9 following meanings:

10 (1) A "safety zone" shall mean a zone established for the protection of any  
11 vessel, structure, waters, or shore area from a safety or environmental hazard and  
12 shall include a water area, shore area, or water and shore area to which, for safety or  
13 environmental purposes, access is limited to authorized persons, vehicles, or vessels.  
14 The zone may be stationary and described by fixed limits, or it may be described as  
15 a zone around a vessel in motion.

16 (2) A "security zone" shall mean a zone established for national security  
17 interests and shall include all areas of land or water which are so designated by the  
18 captain of the port for such time as he deems necessary to prevent damages or injury

1        to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters  
2        of the state or to secure the observance of the rights and obligations of the state.

3                B. No person shall violate any restriction of a safety zone or security zone  
4        established pursuant to rules and regulations promulgated by the United States Coast  
5        Guard under authority granted by the Ports and Waterways Safety Act, 33 U.S.C.  
6        1231, or the Magnuson Act, 50 U.S.C. 191.

7                C.(1) Whoever knowingly violates or should have known he violated the  
8        restriction of a safety zone shall be subject to the penalty provisions of a class two  
9        violation as specified in R.S. 56:32.

10               (2) Whoever knowingly violates or should have known he violated the  
11        restriction of a security zone shall be fined not more than nine hundred fifty dollars  
12        or imprisoned for not more than one hundred twenty days, or both.

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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)]

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White HB No. 880

**Abstract:** Establishes a state criminal penalty for violation of a federally established safety or security zone on waterways.

Proposed law defines a "safety zone" established due to safety or environmental hazards and a "security zone" established for national security reasons.

Proposed law provides that no person shall violate a restriction of a safety zone or a security zone established pursuant to rules and regulations promulgated by the U.S. Coast Guard under the authority of the Ports and Waterways Safety Act or the Magnuson Act.

Proposed law provides that whoever knowingly violates a safety zone shall be penalized as a class two violation as specified in present law as follows:

- 1<sup>st</sup> offense        \$100 to \$300 or 60 days imprisonment, or both.
- 2<sup>nd</sup> offense        \$300 to \$500 and 30 to 60 days imprisonment.
- 3<sup>rd</sup> or more        \$500 to \$700 and 60 to 90 days imprisonment and forfeiture.

Proposed law provides that whoever knowingly violates or should have known he violated the restriction of a security zone shall be fined not more than \$950 or imprisoned for not more than 120 days, or both.

(Adds R.S. 34:851.14.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Added a separate penalty for knowingly violating the restriction of a safety zone of a class two violation.
2. Added that a violation of security zones must be knowingly or where the person should have known he violated a security zone restriction.