

HB 1796 -- Crimes Involving Agricultural Operations

Sponsor: Houghton

This bill changes the laws regarding crimes involving agricultural operations. In its main provisions, the bill:

(1) Specifies that a person commits the crime of animal facility tampering if he or she, without the consent of the animal facility owner, willfully damages, destroys, or alters property kept at the facility; kills or injures an animal maintained at the facility; takes by theft an animal or other property kept at the facility; or disrupts operations conducted at the facility if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care;

(2) Specifies that the penalty for a person who commits the crime of animal facility tampering will range from a class C misdemeanor to a class C felony based on the amount of damages incurred by the owner of the animal facility;

(3) Specifies that a person who participates in a conspiracy to commit the crime of animal facility tampering and acts to help commit the crime is guilty of the same crime as the person who pleads guilty to or is found guilty of the crime;

(4) Specifies that a person who pleads guilty to or is found guilty of animal facility tampering is liable for restitution for any damages incurred in the commission of the crime and requires the court to calculate the actual and consequential pecuniary losses resulting from the crime;

(5) Specifies that a person commits the crime of animal facility interference if he or she, without the consent of the animal facility owner, willfully produces a record of an image or sound occurring at the facility, possesses or distributes a record of an image or sound produced at the facility, exercises control over the facility with the intent to deprive the facility of an animal or property, or enters onto or remains on the facility property if he or she has notice that the facility is not open to the public;

(6) Specifies that a person who commits the crime of animal facility interference is guilty of a class A misdemeanor for a first offense and a class D felony for a subsequent offense;

(7) Specifies that a person commits the crime of animal facility fraud if he or she willfully obtains access to an animal facility by false pretenses for the purpose of committing an act not

authorized by the owner of the facility or knowingly makes a false statement or representation as part of an application to be employed by the facility. A person who commits the crime of animal facility fraud will be guilty of a class A misdemeanor. Any subsequent violation is a class D felony. A person who pleads guilty to or is convicted of the crime is liable for restitution for the damages incurred in the commission of the crime;

(8) Allows a person incurring damages as the result of animal facility tampering or animal facility interference to bring an action against the person who caused the damages to recover an amount equal to three times the actual and consequential damages and court costs and reasonable attorney fees. The court may also grant any equitable relief it determines is appropriate. These provisions cannot prevent a party from petitioning a court for equitable relief;

(9) Specifies that the provisions relating to animal facility tampering and animal facility interference do not prohibit any conduct of a person holding a legal interest in the facility or any animal or property maintained at the facility when the legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct. The provisions do not apply to a government agency or officer taking lawful action involving the facility or any animal or property maintained at the facility or to a licensed veterinarian practicing veterinary medicine according to customary standards of care;

(10) Specifies that a person commits the crime of crop operation tampering if he or she, without the consent of the crop operation owner, willfully damages, destroys, or alters property kept at the operation; kills or injures a crop maintained at the operation; takes by theft a crop or other property from the facility; or disrupts operations conducted at specified crop operations;

(11) Specifies that the penalty for a person who commits the crime of crop operation tampering will range from a class C misdemeanor to a class C felony based on the amount of damages incurred by the owner of the crop operation;

(12) Specifies that a person who participates in a conspiracy to commit the crime of crop operation tampering and acts to help commit the crime is guilty of the same crime as the person who pleads guilty to or is found guilty of the crime;

(13) Specifies that a person who commits crop operation tampering is liable for restitution for any damages incurred during the crime and requires the court to calculate the actual

and consequential pecuniary losses resulting from the crime;

(14) Specifies that a person commits the crime of crop operation interference if he or she, without the consent of the crop operation owner, willfully produces a record of an image or sound occurring at the operation, possesses or distributes a record of an image or sound produced at the operation, exercises control over the operation with the intent to deprive the operation of the crop or property, or enters onto or remains on or in the crop operation if he or she has notice that the operation is not open to the public;

(15) Specifies that a person who commits the crime of crop operation interference is guilty of a class A misdemeanor for a first offense and a class D felony for a subsequent offense;

(16) Specifies that a person commits the crime of crop operation fraud if he or she willfully obtains access to a crop operation by false pretenses for the purpose of committing an act not authorized by the owner of the operation or knowingly makes a false statement or representation as part of an application to be employed by the operation. A person who commits the crime of crop operation fraud will be guilty of a class A misdemeanor for a first offense and a class D felony for a subsequent violation. A person who pleads guilty to or is convicted of the crime is liable for restitution for the damages incurred;

(17) Allows a person incurring damages as the result of the crime of crop operation tampering or crop operation interference to bring an action against the person who caused the damages to recover an amount equal to three times the damages and court costs and reasonable attorney fees. The court may also grant any equitable relief that it determines is appropriate. These provisions cannot prevent a party from petitioning a court for equitable relief; and

(18) Specifies that the provisions relating to crop operation tampering or crop operation interference do not prohibit any conduct of anyone holding a legal interest in the operation or any crop or property maintained at the operation when the legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct. The provisions also do not apply to a government agency or officer taking lawful action involving the operation or any crop or property maintained at the operation.