
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of
2001

INTRODUCED BY BUNT, DALEY, STERN, HERMAN, ARMSTRONG, BASTIAN,
BENNINGHOFF, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CLARK,
CLYMER, L. I. COHEN, COY, CREIGHTON, FAIRCHILD, FEESE,
FICHTER, GEIST, GRUCELA, HARHAI, HARPER, HENNESSEY, HERSHEY,
HESS, HORSEY, JAMES, KIRKLAND, LAUGHLIN, MAITLAND,
McILHINNEY, S. MILLER, NAILOR, PHILLIPS, PRESTON, ROSS,
SATHER, SCHULER, SEMMEL, SHANER, SOLOBAY, E. Z. TAYLOR,
J. TAYLOR, TIGUE, WALKO, WATSON, WILT, YOUNGBLOOD AND ZUG,
MAY 2, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 20, 2001

AN ACT

1 ~~Providing for the protection of agricultural crops and livestock~~ <—
2 ~~from being intentionally and knowingly damaged.~~

3 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <—
4 JUDICIAL PROCEDURES) OF THE PENNSYLVANIA CONSOLIDATED
5 STATUTES, FURTHER PROVIDING FOR AGRICULTURAL VANDALISM; AND
6 PROVIDING FOR THE CRIMINAL OFFENSE OF AGRICULTURAL CROP
7 DESTRUCTION AND FOR RELIEF FOR AGRICULTURAL CROP DESTRUCTION.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 Section 1. Short title.

11 ~~This act shall be known and may be cited as the Crop and~~ <—
12 ~~Livestock Protection Act.~~

13 Section 2. Offense.

14 ~~(a) Liability. Any person or entity who intentionally and~~
15 ~~knowingly damages or adds hazardous or residual waste to~~
16 ~~untested sewage sludge that damages any field crop, vegetable or~~

1 ~~fruit plant or product, tree or livestock that is grown, stored~~
2 ~~or raised for personal, scientific or commercial purposes or for~~
3 ~~any testing or research purpose in conjunction with a public or~~
4 ~~private research facility or a university or any Federal, State~~
5 ~~or local government agency, shall be liable for damages,~~
6 ~~attorney fees and litigation costs as provided in subsections~~
7 ~~(b) and (c).~~

8 ~~(b) Valuation. In awarding damages under this section, the~~
9 ~~courts shall consider the market value of the crop or livestock~~
10 ~~prior to damage and production, research, testing, replacement~~
11 ~~and crop development costs directly related to the crop that has~~
12 ~~been damaged as part of the value of the crop, as well as damage~~
13 ~~to any research records, data and data gathering equipment or~~
14 ~~devices.~~

15 ~~(c) Limitations. Damages available under this section shall~~
16 ~~be limited to treble the market value of the crop or livestock~~
17 ~~prior to damage plus treble the actual damages involving~~
18 ~~production, research, testing, replacement and crop development~~
19 ~~costs directly related to the crop that has been damaged.~~

20 ~~Section 3. Effective date.~~

21 ~~This act shall take effect immediately.~~

22 SECTION 1. SECTION 3309(C) OF TITLE 18 OF THE PENNSYLVANIA
23 CONSOLIDATED STATUTES IS AMENDED TO READ:

24 § 3309. AGRICULTURAL VANDALISM.

25 * * *

26 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERMS
27 "AGRICULTURAL ACTIVITY" AND "FARMING" [MEAN] INCLUDE PUBLIC AND
28 PRIVATE RESEARCH ACTIVITY, RECORDS, DATA AND DATA-GATHERING
29 EQUIPMENT RELATED TO AGRICULTURAL PRODUCTS AS WELL AS THE
30 COMMERCIAL PRODUCTION OF AGRICULTURAL CROPS, LIVESTOCK OR

1 LIVESTOCK PRODUCTS, POULTRY OR POULTRY PRODUCTS, TREES AND
2 TIMBER PRODUCTS, MILK, EGGS OR DAIRY PRODUCTS, OR FRUITS OR
3 OTHER HORTICULTURAL PRODUCTS.

4 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

5 § 3310. AGRICULTURAL CROP DESTRUCTION.

6 (A) OFFENSES DEFINED.--A PERSON COMMITS A FELONY OF THE
7 SECOND DEGREE IF HE INTENTIONALLY AND KNOWINGLY DAMAGES ANY
8 FIELD CROP, VEGETABLE OR FRUIT PLANT OR TREE THAT IS GROWN,
9 STORED OR RAISED FOR SCIENTIFIC OR COMMERCIAL PURPOSES OR FOR
10 ANY TESTING OR RESEARCH PURPOSE IN CONJUNCTION WITH A PUBLIC OR
11 PRIVATE RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE
12 OR LOCAL GOVERNMENT AGENCY.

13 (B) RESTITUTION; COSTS AND FEES.--ANY PERSON CONVICTED OF
14 VIOLATING THIS SECTION SHALL, IN ADDITION TO ANY OTHER PENALTY
15 IMPOSED, BE SENTENCED TO PAY THE OWNER OF THE DAMAGED FIELD
16 CROPS, VEGETABLE OR FRUIT PLANTS OR TREES RESTITUTION, ATTORNEY
17 FEES AND COURT COSTS. RESTITUTION SHALL BE IN AN AMOUNT EQUAL TO
18 THE COST OF THE FINANCIAL DAMAGES INCURRED AS A RESULT OF THE
19 OFFENSE, INCLUDING THE FOLLOWING:

20 (1) VALUE OF THE DAMAGED CROP.

21 (2) DISPOSAL OF THE DAMAGED CROP.

22 (3) CLEANUP OF THE PROPERTY.

23 (4) LOST REVENUE FOR THE AGGRIEVED OWNER OF THE DAMAGED
24 CROP.

25 (C) EXCEPTIONS.--THE PROVISIONS OF THIS SECTION SHALL NOT
26 APPLY TO FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES DAMAGED
27 THROUGH RESEARCH OR NORMAL COMMERCIAL ACTIVITY.

28 SECTION 3. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

29 § 8313. AGRICULTURAL CROP DESTRUCTION.

30 (A) CIVIL ACTION AND RELIEF AVAILABLE.--AN AGGRIEVED OWNER

1 OF DAMAGED FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES
2 RAISED FOR SCIENTIFIC OR COMMERCIAL PURPOSES OR FOR ANY TESTING
3 OR RESEARCH PURPOSE IN CONJUNCTION WITH A PUBLIC OR PRIVATE
4 RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE OR LOCAL
5 GOVERNMENT AGENCY MAY, IN A CIVIL ACTION IN ANY COURT OF
6 COMPETENT JURISDICTION, OBTAIN APPROPRIATE RELIEF, INCLUDING
7 COMPENSATORY AND PUNITIVE DAMAGES, REASONABLE INVESTIGATIVE
8 EXPENSES AND REASONABLE ATTORNEY FEES AND OTHER COSTS ASSOCIATED
9 WITH THE LITIGATION. UPON A SHOWING OF CAUSE FOR THE ISSUANCE OF
10 INJUNCTIVE RELIEF, A COURT MAY ISSUE TEMPORARY RESTRAINING
11 ORDERS, PRELIMINARY INJUNCTIONS AND PERMANENT INJUNCTIONS AS MAY
12 BE APPROPRIATE. DURING ANY PERIOD THAT AN ACTION UNDER THIS
13 SECTION IS PENDING, A COURT MAY ORDER THE CESSATION OF THE
14 ACTIVITY FORMING THE BASIS OF THE COMPLAINT.

15 (B) VALUATIONS.--IN AWARDING DAMAGES UNDER THIS SECTION, THE
16 COURTS SHALL CONSIDER THE MARKET VALUE OF THE FIELD CROPS,
17 VEGETABLE OR FRUIT PLANTS OR TREES PRIOR TO DAMAGE AND
18 PRODUCTION, RESEARCH, TESTING, REPLACEMENT AND CROP DEVELOPMENT
19 COSTS DIRECTLY RELATED TO THE CROP THAT HAS BEEN DAMAGED AS PART
20 OF THE VALUE OF THE CROP, AS WELL AS DAMAGE TO ANY RECORDS, DATA
21 AND DATA-GATHERING EQUIPMENT OR DEVICES.

22 (C) LIMITATIONS.--DAMAGES RECOVERED UNDER THIS SECTION SHALL
23 BE LIMITED TO TREBLE THE MARKET VALUE OF THE FIELD CROPS,
24 VEGETABLE OR FRUIT PLANTS OR TREES PRIOR TO DAMAGE AND ACTUAL
25 DAMAGES INVOLVING PRODUCTION, RESEARCH, TESTING, REPLACEMENT AND
26 DEVELOPMENT COSTS DIRECTLY RELATED TO THE CROP THAT HAS BEEN
27 DAMAGED.

28 (D) EXCEPTIONS.--THE PROVISIONS OF THIS SECTION SHALL NOT
29 APPLY TO FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES DAMAGED
30 THROUGH RESEARCH OR NORMAL COMMERCIAL ACTIVITY.

1 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.