

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 906 Session of 2009

INTRODUCED BY FOLMER, ALLOWAY, WOZNIAK, WAUGH, COSTA, BOSCOLA, BRUBAKER, STACK AND FARNESE, JUNE 5, 2009

SENATOR BRUBAKER, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, JUNE 30, 2010

AN ACT

1 Amending Titles 3 (Agriculture) and 18 (Crimes and Offenses) of
2 the Pennsylvania Consolidated Statutes, providing for the
3 definitions of "agricultural biosecurity area" and for
4 "posted notice"; and further providing for keeping and
5 handling of domestic animals, for ecoterrorism and for
6 criminal trespass.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2303 of Title 3 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 2303. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Agricultural biosecurity area." Any of the following areas
17 which has been identified by posted notice as a AN AGRICULTURAL
18 biosecurity area and for which the owner or other authorized
19 person has established procedures to inhibit the transference of



1 transmissible disease OR HAZARDOUS SUBSTANCE: ←

2 (1) Agricultural or other open lands as defined under 18
3 Pa.C.S. § 3503(b.2) (3) (relating to criminal trespass).

4 (2) A building or animal or plant containment area
5 fenced or enclosed in a manner manifestly designed AND ←
6 CONSTRUCTED to exclude trespassers or to confine domestic
7 animals or plants used in research or agricultural activity
8 or farming as defined in 18 Pa.C.S. § 3309 (relating to
9 agricultural vandalism).

10 * * *

11 "Posted notice." Notice posted in a manner which is
12 reasonably likely to come to the attention of a person.

13 * * *

14 Section 2. Section 2305 of Title 3 is amended to read:
15 § 2305. Keeping and handling of domestic animals.

16 The department shall have authority to regulate the keeping
17 and handling of domestic animals to exclude or contain dangerous
18 transmissible diseases and hazardous substances and to protect
19 the environment, including the authority to require the

20 establishment of an agricultural biosecurity area AND THAT ALL ←
21 SUCH AGRICULTURAL BIOSECURITY AREAS SO ESTABLISHED BE CLEARLY
22 AND CONSPICUOUSLY POSTED. THE DEPARTMENT MAY DEVELOP A
23 REGULATION TO GOVERN THE FORM AND CONTENT OF POSTED NOTICE TO
24 IDENTIFY AN AGRICULTURAL BIOSECURITY AREA. Nothing in this

25 section shall be construed to authorize the department to
26 require vaccination of any animal to prevent or control rabies
27 whenever that animal is exempt from vaccination under the act of
28 December 15, 1986 (P.L.1610, No.181), known as the Rabies
29 Prevention and Control in Domestic Animals and Wildlife Act.

30 Section 3. The definition of "specified offense against

1 property" in section 3311(d) of Title 18 is amended to read:

2 § 3311. Ecoterrorism.

3 * * *

4 (d) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 * * *

8 "Specified offense against property." Any of the following
9 offenses:

10 Section 3301(a), (c), (d), (d.1) and (f) (relating to arson
11 and related offenses).

12 Section 3302 (relating to causing or risking catastrophe).

13 Section 3304 (relating to criminal mischief).

14 Section 3307 (relating to institutional vandalism).

15 Section 3309 (relating to agricultural vandalism).

16 Section 3310 (relating to agricultural crop destruction).

17 Section 3502 (relating to burglary) but only if the actor
18 commits the crime for the purpose of committing one of the other
19 offenses listed in this definition.

20 Section 3503 (relating to criminal trespass) but only if the
21 actor commits the crime for the purpose of releasing a dangerous
22 transmissible disease or hazardous substance, as those terms are
23 defined under 3 Pa.C.S. § 2303 (relating to definitions),

24 threatening or terrorizing the owner or occupant of the
25 premises, starting or causing to be started any fire upon the
26 premises or defacing or damaging the premises.

27 Section 3921 (relating to theft by unlawful taking or
28 disposition).

29 Section 3922 (relating to theft by deception).

30 Section 4101 (relating to forgery).

1 Section 4120 (relating to identity theft).

2 Section 4. Section 3503 of Title 18 is amended by adding a
3 subsection to read:

4 § 3503. Criminal trespass.

5 * * *

6 (b.3) Agricultural biosecurity area trespasser.--

7 (1) A person commits an offense if the person does any
8 of the following:

9 (i) Enters an agricultural biosecurity area unless ←
10 the owner or other authorized person expressly authorizes
11 entry or entry is authorized by law.

12 (ii) Knowing that he or she is not licensed or
13 privileged to do so, enters an agricultural biosecurity
14 area without performing the measures for biosecurity that
15 by posted notice are directed to be performed for entry
16 to the area.

17 (iii) Knowingly or recklessly enters an agricultural
18 biosecurity area without performing the measures for
19 biosecurity that by posted notice are directed to be
20 performed for entry to the area.

21 (2) An offense under this subsection shall constitute a
22 misdemeanor of the first degree.

23 (3) For the purposes of this subsection, the phrases
24 "agricultural biosecurity area" and "posted notice" shall
25 have the meanings given to them in 3 Pa.C.S. § 2303 (relating
26 to definitions).

27 (I) ENTERS AN AGRICULTURAL BIOSECURITY AREA, KNOWING ←
28 THAT THE PERSON IS NOT LICENSED OR PRIVILEGED TO DO SO.

29 (II) KNOWINGLY OR RECKLESSLY FAILS TO PERFORM
30 REASONABLE MEASURES FOR BIOSECURITY THAT BY POSTED NOTICE

1 ARE REQUIRED TO BE PERFORMED FOR ENTRY TO THE
2 AGRICULTURAL BIOSECURITY AREA.

3 (2) IT IS A DEFENSE TO PROSECUTION UNDER PARAGRAPH (1)
4 (II) THAT:

5 (I) NO REASONABLE MEANS OR METHOD WAS AVAILABLE TO
6 PERFORM THE MEASURES THAT THE POSTED NOTICE REQUIRED TO
7 BE PERFORMED FOR ENTRY TO THE AGRICULTURAL BIOSECURITY
8 AREA;

9 (II) ENTRY IS MADE IN RESPONSE TO A CONDITION WITHIN
10 THE AGRICULTURAL BIOSECURITY AREA THAT THE PERSON
11 REASONABLY BELIEVES TO BE A SERIOUS THREAT TO HUMAN OR
12 ANIMAL HEALTH AS NECESSITATING IMMEDIATE ENTRY TO THE
13 AGRICULTURAL BIOSECURITY AREA; OR

14 (III) ENTRY IS MADE UNDER EXIGENT CIRCUMSTANCES BY A
15 LAW ENFORCEMENT OFFICER TO:

16 (A) PURSUE AND APPREHEND A SUSPECT OF CRIMINAL
17 CONDUCT REASONABLY BELIEVED BY THE OFFICER TO BE
18 PRESENT WITHIN THE AGRICULTURAL BIOSECURITY AREA; OR

19 (B) PREVENT THE DESTRUCTION OF EVIDENCE OF
20 CRIMINAL CONDUCT REASONABLY BELIEVED BY THE OFFICER
21 TO BE LOCATED WITHIN THE AGRICULTURAL BIOSECURITY
22 AREA.

23 (3) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), AN
24 OFFENSE UNDER PARAGRAPH (1) (I) CONSTITUTES A MISDEMEANOR
25 OF THE THIRD DEGREE.

26 (II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), AN
27 OFFENSE UNDER PARAGRAPH (1) (II) CONSTITUTES A SUMMARY
28 OFFENSE.

29 (III) IF AN OFFENSE UNDER PARAGRAPH (1) CAUSES
30 DAMAGE TO OR DEATH OF AN ANIMAL OR PLANT WITHIN AN

1 AGRICULTURAL BIOSECURITY AREA, THE OFFENSE CONSTITUTES A
2 MISDEMEANOR OF THE FIRST DEGREE.

3 (4) FOR PURPOSES OF THIS SUBSECTION, THE TERMS
4 "AGRICULTURAL BIOSECURITY AREA" AND "POSTED NOTICE" SHALL
5 HAVE THE MEANINGS GIVEN TO THEM IN 3 PA.C.S. § 2303 (RELATING
6 TO DEFINITIONS).

7 * * *

8 Section 5. This act shall take effect immediately.