

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 379 Session of
2007

INTRODUCED BY CUTLER, STERN, BAKER, BELFANTI, CALTAGIRONE,
CAPPELLI, CLYMER, DENLINGER, FAIRCHILD, GEIST, GINGRICH,
GODSHALL, GRUCELA, HENNESSEY, HERSHEY, HESS, M. KELLER,
KOTIK, SAYLOR AND TANGRETTI, FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 13, 2007

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 areas" and for
4 "posted notice"; and further providing for keeping and
5 handling of domestic animals, for criminal trespass and for
6 ecoterrorism.

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 a definition 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 biosecurity
18 area:

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

3 (2) A building or animal containment area fenced or
4 enclosed in a manner manifestly designed to exclude
5 trespassers or to confine domestic animals used in
6 agricultural activity or farming as defined in 18 Pa.C.S. §
7 3309 (relating to agricultural vandalism) for which the owner
8 or other authorized person has established procedures to
9 inhibit the transference of transmissible disease.

10 * * *

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

14 * * *

15 Section 2. Section 2305 of Title 3 is amended to read:
16 § 2305. Keeping and handling of domestic animals.

17 The department shall have authority to regulate the keeping
18 and handling of domestic animals to exclude or contain dangerous
19 transmissible diseases and hazardous substances and to protect
20 the environment, including the authority to require the
21 establishment of an agricultural biosecurity area. Nothing in
22 this section shall be construed to authorize the department to
23 require vaccination of any animal to prevent or control rabies
24 whenever that animal is exempt from vaccination under the act of
25 December 15, 1986 (P.L.1610, No.181), known as the Rabies
26 Prevention and Control in Domestic Animals and Wildlife Act.

27 Section 3. The definition of "specified offense against
28 property" in section 3311(d) of Title 18 is amended to read:
29 § 3311. Ecoterrorism.

30 * * *

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

* * *

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

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

Section 3302 (relating to causing or risking catastrophe).

Section 3304 (relating to criminal mischief).

Section 3307 (relating to institutional vandalism).

Section 3309 (relating to agricultural vandalism).

Section 3310 (relating to agricultural crop destruction).

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

Section 3503 (relating to criminal trespass) but only if the actor commits the crime for the purpose of releasing a dangerous transmissible disease or hazardous substance, as those terms are defined under 3 Pa.C.S. § 2303 (relating to definitions), threatening or terrorizing the owner or occupant of the premises, starting or causing to be started any fire upon the premises or defacing or damaging the premises.

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

Section 3922 (relating to theft by deception).

Section 4101 (relating to forgery).

Section 4120 (relating to identity theft).

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

3 § 3503. Criminal trespass.

4 * * *

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

6 (1) A person commits an offense if the person knowingly
7 or recklessly does any of the following:

8 (i) Enters an agricultural biosecurity area unless
9 the owner or other authorized person expressly authorizes
10 entry.

11 (ii) Enters an agricultural biosecurity area without
12 performing the measures for biosecurity that by posted
13 notice are directed to be performed for entry to the
14 area.

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

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

21 Section 5. This act shall take effect immediately.