AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in arson, criminal mischief and other property destruction, providing for the offense of interfering with agricultural operations.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3309.1. Interfering with agricultural operations.

(a) Offense defined.--A person commits the offense of interfering with agricultural operations if the person:

(1) Without consent from the owner of an agricultural operation or the owner's agent:

(i) records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation; or

(ii) uploads, downloads, transfers or otherwise sends recorded images of, or sound from, the agricultural operations over the Internet in any medium.
(2) Obtains access to an agricultural operation under false pretenses.

(3) Enters an agricultural operation with the intent to obtain unlawful possession of, or access to, any information, data or article representing any agricultural activity or farming which is conducted or takes place at the agricultural operation.

(4) (i) Applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;

(ii) knows, at the time that the person accepts employment, that the owner of the agricultural operation prohibits the recording of any image of, or sound from, the agricultural operation; and

(iii) while employed at, and while present on, the agricultural operation, records an image of, or sound from, the agricultural operation.

(5) Without consent from the owner of the agricultural operation or the owner's agent, records an image of, or sound from, an agricultural operation while the person is committing criminal trespass, as provided for in section 3503 (relating to criminal trespass).

(b) Grading.--

(1) Except as otherwise provided for in paragraph (2), interfering with agricultural operations is a felony of the third degree.

(2) An offense under subsection (a)(3) and (5) is a felony of the second degree.

(c) Prosecution not prohibited.--Prosecution for an offense under this section shall not be construed to prohibit
prosecution under any other provision of this title.

(d) Definitions.--For the purpose of this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agricultural activity" or "farming." Shall have the meanings given to them in section 3309 (relating to agricultural vandalism).

"Agricultural operations." Any public or private property where an agricultural activity or farming is conducted or takes place.

"Records" or "recording." The process of recording or videotaping visual images of, or sound from, an agricultural operation.

Section 2. This act shall take effect in 60 days.