

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2683 Session of  
2006

INTRODUCED BY GODSHALL, BOYD, CAUSER, CORRIGAN, CRAHALLA,  
CREIGHTON, DeLUCA, GEORGE, GOODMAN, HERSHEY, KILLION, LEH,  
R. MILLER, PALLONE, PICKETT, READSHAW, SATHER, SAYLOR,  
SEMMELE, SIPTROTH, SONNEY, STABACK, STERN, R. STEVENSON,  
J. TAYLOR, THOMAS, TIGUE AND YOUNGBLOOD, MAY 15, 2006

REFERRED TO COMMITTEE ON JUDICIARY, MAY 15, 2006

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the offense of  
3 ecoterrorism.

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

6 Section 1. Section 3311 of Title 18 of the Pennsylvania  
7 Consolidated Statutes, added April 14, 2006 (P.L.81, No.27), is  
8 amended to read:

9 § 3311. Ecoterrorism.

10 (a) General rule.--A person is guilty of ecoterrorism if the  
11 person commits a specified offense against property intending to  
12 do any of the following:

13 (1) Intimidate or coerce an individual lawfully:

14 (i) participating in an activity involving animals,  
15 plants or an activity involving natural resources; or

16 (ii) using an animal, plant or natural resource  
17 facility.

(2) Prevent or obstruct an individual from lawfully:

(i) participating in an activity involving animals, plants or an activity involving natural resources; or

(ii) using an animal, plant or natural resource facility.

(b) Grading and penalty.--

(1) If the specified offense against property is a summary offense, an offense under this section shall be classified as a misdemeanor of the third degree.

(2) If the specified offense against property is a misdemeanor or a felony of the third or second degree, an offense under this section shall be classified one degree higher than the classification of the specified offense against property specified in section 106 (relating to classes of offenses).

(3) If the specified offense against property is a felony of the first degree, a person convicted of an offense under this section shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years and may be sentenced to pay a fine of not more than \$100,000.

(c) Restitution.--Any person convicted of violating this section shall, in addition to any other penalty imposed, be sentenced to pay the owner of any damaged property, which resulted from the violation, restitution. Restitution shall be in an amount up to triple the value of the property damages incurred as a result of the specified offense against property. In ordering restitution pursuant to this subsection, the court shall consider as part of the value of the damaged property the market value of the property prior to the violation and the production, research, testing, replacement and development costs

1 directly related to the property that was the subject of the  
2 specified offense.

3 (c.1) Immunity.--A person who exercises the right of  
4 petition or free speech under the United States Constitution or  
5 the Constitution of Pennsylvania on public property or with the  
6 permission of the landowner where the person is peaceably  
7 demonstrating or peaceably pursuing his constitutional rights  
8 shall be immune from prosecution for these actions under this  
9 section or from civil liability under 42 Pa.C.S. § 8317  
10 (relating to ecoterrorism).

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

14 "Activity involving animals or plants." A lawful activity  
15 involving the use of animals, animal parts or plants, including  
16 any of the following:

17 (1) Activities authorized under 30 Pa.C.S. (relating to  
18 fish) and 34 Pa.C.S. (relating to game).

19 (2) Activities authorized under the act of December 7,  
20 1982 (P.L.784, No.225), known as the Dog Law.

21 (3) Food production, processing and preparation.

22 (4) Clothing manufacturing and distribution.

23 (5) Entertainment and recreation.

24 (6) Research, teaching and testing.

25 (7) Propagation, production, sale, use or possession of  
26 legal plants.

27 (8) Agricultural activity and farming as defined in  
28 section 3309 (relating to agricultural vandalism).

29 "Activity involving natural resources." A lawful activity  
30 involving the use of a natural resource with an economic value,

1 including any of the following:

2 (1) Mining, foresting, harvesting or processing natural  
3 resources.

4 (2) The sale, loan or lease of products which requires  
5 the use of natural resources.

6 "Animal, plant or natural resource facility." A vehicle,  
7 building, structure or other premises:

8 (1) where an animal, plant or natural resource is  
9 lawfully housed, exhibited or offered for sale; or

10 (2) which is used for scientific purposes involving  
11 animals, plants or natural resources, including research,  
12 teaching and testing.

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

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

17 Section 3302 (relating to causing or risking  
18 catastrophe).

19 Section 3304 (relating to criminal mischief).

20 Section 3307 (relating to institutional vandalism).

21 Section 3309 (relating to agricultural vandalism).

22 Section 3310 (relating to agricultural crop destruction).

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

26 Section 3503 (relating to criminal trespass) but only if  
27 the actor commits the crime for the purpose of threatening or  
28 terrorizing the owner or occupant of the premises, starting  
29 or causing to be started any fire upon the premises, or  
30 defacing or damaging the premises.

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

3           Section 3922 (relating to theft by deception).

4           Section 4101 (relating to forgery).

5           Section 4120 (relating to identity theft).

6           Section 5511.3 (relating to assault with a biological  
7 agent on animal, fowl or honey bees).

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