

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, TANGRETTI, COX, BOYD, DALEY, THOMAS, KULA,
PYLE, GIBBONS AND HICKERNELL, FEBRUARY 13, 2007

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 14, 2008

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~~ <—

11 DEFINITIONS to read: <—

12 § 2303. Definitions.

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

16 * * *

17 "Agricultural biosecurity area." Any of the following areas
18 which has been identified by posted notice as a biosecurity

~~area~~ AREA AND FOR WHICH THE OWNER OR OTHER AUTHORIZED PERSON
HAS ESTABLISHED PROCEDURES TO INHIBIT THE TRANSFERENCE OF
TRANSMISSIBLE DISEASE:

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

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

* * *

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

* * *

Section 2. Section 2305 of Title 3 is amended to read:

§ 2305. Keeping and handling of domestic animals.

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

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

4 * * *

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

8 * * *

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

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

13 Section 3302 (relating to causing or risking
14 catastrophe).

15 Section 3304 (relating to criminal mischief).

16 Section 3307 (relating to institutional vandalism).

17 Section 3309 (relating to agricultural vandalism).

18 Section 3310 (relating to agricultural crop destruction).

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

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

30 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).

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

§ 3503. Criminal trespass.

* * *

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

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

(i) Enters an agricultural biosecurity area unless the owner or other authorized person expressly authorizes entry OR ENTRY IS AUTHORIZED BY LAW.

(ii) ~~Enters~~ KNOWING THAT HE OR SHE IS NOT LICENSED OR PRIVILEGED TO DO SO, ENTERS an agricultural biosecurity area without performing the measures for biosecurity that by posted notice are directed to be performed for entry to the area.

(III) KNOWINGLY OR RECKLESSLY ENTERS AN AGRICULTURAL BIOSECURITY AREA WITHOUT PERFORMING THE MEASURES FOR BIOSECURITY THAT BY POSTED NOTICE ARE DIRECTED TO BE PERFORMED FOR ENTRY TO THE AREA.

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

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

Section 5. This act shall take effect immediately.