

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 511 Session of 2009

INTRODUCED BY CUTLER, BELFANTI, BOYD, BRENNAN, CLYMER,
DENLINGER, FAIRCHILD, FLECK, GOODMAN, GRUCELA, HENNESSEY,
HESS, HICKERNELL, KAUFFMAN, M. KELLER, W. KELLER, MENSCH,
MILLER, MUSTIO, PHILLIPS, PYLE, SAYLOR, SIPTROTH, STERN AND
J. TAYLOR, FEBRUARY 18, 2009

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, FEBRUARY
18, 2009

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 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 biosecurity area
18 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).

* * *

"Posted notice." Notice posted in a manner 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.

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

* * *

(d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 * * *

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

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

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

9 Section 3304 (relating to criminal mischief).

10 Section 3307 (relating to institutional vandalism).

11 Section 3309 (relating to agricultural vandalism).

12 Section 3310 (relating to agricultural crop destruction).

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

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

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

25 Section 3922 (relating to theft by deception).

26 Section 4101 (relating to forgery).

27 Section 4120 (relating to identity theft).

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

30 § 3503. Criminal trespass.

1 * * *

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

3 (1) A person commits an offense if the person does any
4 of the following:

5 (i) Enters an agricultural biosecurity area unless
6 the owner or other authorized person expressly authorizes
7 entry or entry is authorized by law.

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

13 (iii) Knowingly or recklessly enters an agricultural
14 biosecurity area without performing the measures for
15 biosecurity that by posted notice are directed to be
16 performed for entry to the area.

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

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

23 * * *

24 Section 5. This act shall take effect immediately.