

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 683 Session of 2013

INTRODUCED BY HALUSKA, METZGAR, BARRAR, M. K. KELLER, HESS,
MOUL, FLECK, C. HARRIS AND MURT, FEBRUARY 12, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2013

AN ACT

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

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

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

9 § 3309.1. Interfering with agricultural operations.

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

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

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

17 (ii) uploads, downloads, transfers or otherwise
18 sends recorded images of, or sound from, the agricultural
19 operations over the Internet in any medium.

1 (2) Obtains access to an agricultural operation under
2 false pretenses.

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

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

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

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

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

23 (b) Grading.--

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

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

29 (c) Prosecution not prohibited.--Prosecution for an offense
30 under this section shall not be construed to prohibit

1 prosecution under any other provision of this title.

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

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

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

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

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