

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of  
2001

INTRODUCED BY BUNT, DALEY, STERN, HERMAN, ARMSTRONG, BASTIAN,  
BENNINGHOFF, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CLARK,  
CLYMER, L. I. COHEN, COY, CREIGHTON, FAIRCHILD, FEESE,  
FICHTER, GEIST, GRUCELA, HARHAI, HARPER, HENNESSEY, HERSHEY,  
HESS, HORSEY, JAMES, KIRKLAND, LAUGHLIN, MAITLAND,  
MCILHINNEY, S. MILLER, NAILOR, PHILLIPS, PRESTON, ROSS,  
SATHER, SCHULER, SEMMEL, SHANER, SOLOBAY, E. Z. TAYLOR,  
J. TAYLOR, TIGUE, WALKO, WATSON, WILT, YOUNGBLOOD AND ZUG,  
MAY 2, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 20, 2001

AN ACT

1 ~~Providing for the protection of agricultural crops and livestock~~ <—  
2 ~~from being intentionally and knowingly damaged.~~

3 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <—  
4 JUDICIAL PROCEDURES) OF THE PENNSYLVANIA CONSOLIDATED  
5 STATUTES, FURTHER PROVIDING FOR AGRICULTURAL VANDALISM; AND  
6 PROVIDING FOR THE CRIMINAL OFFENSE OF AGRICULTURAL CROP  
7 DESTRUCTION AND FOR RELIEF FOR AGRICULTURAL CROP DESTRUCTION.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 Section 1. Short title.

11 ~~This act shall be known and may be cited as the Crop and~~ <—  
12 ~~Livestock Protection Act.~~

13 ~~Section 2. Offense.~~

14 ~~(a) Liability. Any person or entity who intentionally and~~

15 ~~knowingly damages or adds hazardous or residual waste to~~

16 ~~untested sewage sludge that damages any field crop, vegetable or~~

~~fruit plant or product, tree or livestock that is grown, stored  
or raised for personal, scientific or commercial purposes or for  
any testing or research purpose in conjunction with a public or  
private research facility or a university or any Federal, State  
or local government agency, shall be liable for damages,  
attorney fees and litigation costs as provided in subsections  
(b) and (c).~~

~~(b) Valuation. In awarding damages under this section, the  
courts shall consider the market value of the crop or livestock  
prior to damage and production, research, testing, replacement  
and crop development costs directly related to the crop that has  
been damaged as part of the value of the crop, as well as damage  
to any research records, data and data gathering equipment or  
devices.~~

~~(c) Limitations. Damages available under this section shall  
be limited to treble the market value of the crop or livestock  
prior to damage plus treble the actual damages involving  
production, research, testing, replacement and crop development  
costs directly related to the crop that has been damaged.~~

~~Section 3. Effective date.~~

~~This act shall take effect immediately.~~

SECTION 1. SECTION 3309(C) OF TITLE 18 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 3309. AGRICULTURAL VANDALISM.

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(C) DEFINITION.--AS USED IN THIS SECTION, THE TERMS  
"AGRICULTURAL ACTIVITY" AND "FARMING" [MEAN] INCLUDE PUBLIC AND  
PRIVATE RESEARCH ACTIVITY, RECORDS, DATA AND DATA-GATHERING  
EQUIPMENT RELATED TO AGRICULTURAL PRODUCTS AS WELL AS THE  
COMMERCIAL PRODUCTION OF AGRICULTURAL CROPS, LIVESTOCK OR

LIVESTOCK PRODUCTS, POULTRY OR POULTRY PRODUCTS, TREES AND  
TIMBER PRODUCTS, MILK, EGGS OR DAIRY PRODUCTS, OR FRUITS OR  
OTHER HORTICULTURAL PRODUCTS.

SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

§ 3310. AGRICULTURAL CROP DESTRUCTION.

(A) OFFENSES DEFINED.--A PERSON COMMITS A FELONY OF THE  
SECOND DEGREE IF HE INTENTIONALLY AND KNOWINGLY DAMAGES ANY  
FIELD CROP, VEGETABLE OR FRUIT PLANT OR TREE THAT IS GROWN,  
STORED OR RAISED FOR SCIENTIFIC OR COMMERCIAL PURPOSES OR FOR  
ANY TESTING OR RESEARCH PURPOSE IN CONJUNCTION WITH A PUBLIC OR  
PRIVATE RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE  
OR LOCAL GOVERNMENT AGENCY.

(B) RESTITUTION; COSTS AND FEES.--ANY PERSON CONVICTED OF  
VIOLATING THIS SECTION SHALL, IN ADDITION TO ANY OTHER PENALTY  
IMPOSED, BE SENTENCED TO PAY THE OWNER OF THE DAMAGED FIELD  
CROPS, VEGETABLE OR FRUIT PLANTS OR TREES RESTITUTION, ATTORNEY  
FEES AND COURT COSTS. RESTITUTION SHALL BE IN AN AMOUNT EQUAL TO  
THE COST OF THE FINANCIAL DAMAGES INCURRED AS A RESULT OF THE  
OFFENSE, INCLUDING THE FOLLOWING:

(1) VALUE OF THE DAMAGED CROP.

(2) DISPOSAL OF THE DAMAGED CROP.

(3) CLEANUP OF THE PROPERTY.

(4) LOST REVENUE FOR THE AGGRIEVED OWNER OF THE DAMAGED  
CROP.

(C) EXCEPTIONS.--THE PROVISIONS OF THIS SECTION SHALL NOT  
APPLY TO FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES DAMAGED  
THROUGH RESEARCH OR NORMAL COMMERCIAL ACTIVITY.

SECTION 3. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

§ 8313. AGRICULTURAL CROP DESTRUCTION.

(A) CIVIL ACTION AND RELIEF AVAILABLE.--AN AGGRIEVED OWNER

1 OF DAMAGED FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES  
2 RAISED FOR SCIENTIFIC OR COMMERCIAL PURPOSES OR FOR ANY TESTING  
3 OR RESEARCH PURPOSE IN CONJUNCTION WITH A PUBLIC OR PRIVATE  
4 RESEARCH FACILITY OR A UNIVERSITY OR ANY FEDERAL, STATE OR LOCAL  
5 GOVERNMENT AGENCY MAY, IN A CIVIL ACTION IN ANY COURT OF  
6 COMPETENT JURISDICTION, OBTAIN APPROPRIATE RELIEF, INCLUDING  
7 COMPENSATORY AND PUNITIVE DAMAGES, REASONABLE INVESTIGATIVE  
8 EXPENSES AND REASONABLE ATTORNEY FEES AND OTHER COSTS ASSOCIATED  
9 WITH THE LITIGATION. UPON A SHOWING OF CAUSE FOR THE ISSUANCE OF  
10 INJUNCTIVE RELIEF, A COURT MAY ISSUE TEMPORARY RESTRAINING  
11 ORDERS, PRELIMINARY INJUNCTIONS AND PERMANENT INJUNCTIONS AS MAY  
12 BE APPROPRIATE. DURING ANY PERIOD THAT AN ACTION UNDER THIS  
13 SECTION IS PENDING, A COURT MAY ORDER THE CESSATION OF THE  
14 ACTIVITY FORMING THE BASIS OF THE COMPLAINT.

15 (B) VALUATIONS.--IN AWARDING DAMAGES UNDER THIS SECTION, THE  
16 COURTS SHALL CONSIDER THE MARKET VALUE OF THE FIELD CROPS,  
17 VEGETABLE OR FRUIT PLANTS OR TREES PRIOR TO DAMAGE AND  
18 PRODUCTION, RESEARCH, TESTING, REPLACEMENT AND CROP DEVELOPMENT  
19 COSTS DIRECTLY RELATED TO THE CROP THAT HAS BEEN DAMAGED AS PART  
20 OF THE VALUE OF THE CROP, AS WELL AS DAMAGE TO ANY RECORDS, DATA  
21 AND DATA-GATHERING EQUIPMENT OR DEVICES.

22 (C) LIMITATIONS.--DAMAGES RECOVERED UNDER THIS SECTION SHALL  
23 BE LIMITED TO TREBLE THE MARKET VALUE OF THE FIELD CROPS,  
24 VEGETABLE OR FRUIT PLANTS OR TREES PRIOR TO DAMAGE AND ACTUAL  
25 DAMAGES INVOLVING PRODUCTION, RESEARCH, TESTING, REPLACEMENT AND  
26 DEVELOPMENT COSTS DIRECTLY RELATED TO THE CROP THAT HAS BEEN  
27 DAMAGED.

28 (D) EXCEPTIONS.--THE PROVISIONS OF THIS SECTION SHALL NOT  
29 APPLY TO FIELD CROPS, VEGETABLE OR FRUIT PLANTS OR TREES DAMAGED  
30 THROUGH RESEARCH OR NORMAL COMMERCIAL ACTIVITY.

1       SECTION 4.   THIS ACT SHALL TAKE EFFECT IMMEDIATELY.