

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213 Session of
2005

INTRODUCED BY GODSHALL, BALDWIN, BELFANTI, BENNINGHOFF, BUNT,
CRAHALLA, CREIGHTON, DENLINGER, FRANKEL, GERGELY, GOODMAN,
HERSHEY, HESS, HUTCHINSON, LEDERER, LEH, R. MILLER,
S. MILLER, PICKETT, SEMMEL, STABACK, STERN, TANGRETTI AND
YOUNGBLOOD, FEBRUARY 2, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 2, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, adding an offense and a civil action relating to
4 ecoterrorism.

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 § 3311. Ecoterrorism.

10 (a) Offense defined.--A person commits the offense of
11 ecoterrorism if, with the intent to intimidate or coerce a
12 government, the civilian population or any segment thereof in
13 furtherance of political or social objectives, the person
14 intentionally uses force or violence or the threat of force or
15 violence to:

16 (1) prevent an individual from lawfully participating in
17 an activity involving animals or an activity involving

natural resources by:

(i) obstructing the use of an animal or a natural resource owned by the individual, if the obstruction is for a period of time sufficient to significantly decrease the value or enjoyment of the animal or the natural resource to the individual;

(ii) damaging or disposing of an animal or a natural resource owned by the individual, if the damage or disposal substantially reduces the condition or usefulness of the animal or the natural resource; or

(iii) detaining an animal or a natural resource owned by the individual and demanding compensation in exchange for release of the animal or the natural resource; or

(2) prevent an individual's use of an animal facility without the consent of the facility's owner by:

(i) damaging the facility or property in the facility;

(ii) physically disrupting the operation of the facility;

(iii) unlawfully entering or remaining in the facility and engaging in an activity described in paragraph (1); or

(iv) unlawfully entering or remaining in the facility despite a notice denying entry.

(b) Grading.--Ecoterrorism is a felony of the third degree if the actor causes pecuniary loss in excess of \$5,000 or a misdemeanor of the first degree if the actor causes pecuniary loss in excess of \$500. Otherwise, ecoterrorism is a misdemeanor of the second degree.

1 (c) Definition.--As used in this section, the term "animal
2 facility" means a vehicle, building, structure or other premises
3 where an animal is lawfully housed, exhibited or offered for
4 sale, or which is used for scientific purposes involving
5 animals, including research, testing and experiments.

6 Section 2. Title 42 is amended by adding a section to read:
7 § 8317. Ecoterrorism.

8 An individual aggrieved by the offense of ecoterrorism, as
9 defined in 18 Pa.C.S. § 3311(a) (relating to ecoterrorism), may
10 in a civil action in any court of competent jurisdiction, obtain
11 appropriate relief, including compensatory and punitive damages,
12 reasonable investigative expenses and reasonable attorney fees
13 and other costs associated with the litigation. Upon a showing
14 of cause for the issuance of injunctive relief, a court may
15 order the cessation of the activity forming the basis of the
16 complaint.

17 Section 3. This act shall take effect in 60 days.