

## 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,  
J. TAYLOR, GEIST, ROHRER, GIBBONS AND MARSHALL,  
FEBRUARY 18, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 28, 2010

## 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 AN AGRICULTURAL



biosecurity area and for which the owner or other authorized person has established procedures to inhibit the transference of transmissible disease OR HAZARDOUS SUBSTANCE:

(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 AND CONSTRUCTED 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 AND THAT ALL SUCH AGRICULTURAL BIOSECURITY AREAS SO ESTABLISHED BE CLEARLY AND CONSPICUOUSLY POSTED. THE DEPARTMENT MAY DEVELOP A REGULATION TO GOVERN THE FORM AND CONTENT OF POSTED NOTICE TO IDENTIFY 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

1 Prevention and Control in Domestic Animals and Wildlife Act.

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

4 § 3311. Ecoterrorism.

5 \* \* \*

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

9 \* \* \*

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

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

14 Section 3302 (relating to causing or risking 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 other  
21 offenses listed in this definition.

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

29 Section 3921 (relating to theft by unlawful taking or  
30 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 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) 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).~~

~~(I) ENTERS AN AGRICULTURAL BIOSECURITY AREA, KNOWING THAT THE PERSON IS NOT LICENSED OR PRIVILEGED TO DO SO.~~

1           (II) KNOWINGLY OR RECKLESSLY FAILS TO PERFORM  
2           REASONABLE MEASURES FOR BIOSECURITY THAT BY POSTED NOTICE  
3           ARE REQUIRED TO BE PERFORMED FOR ENTRY TO THE  
4           AGRICULTURAL BIOSECURITY AREA.

5           (2) IT IS A DEFENSE TO PROSECUTION UNDER PARAGRAPH (1)  
6           (II) THAT:

7           (I) NO REASONABLE MEANS OR METHOD WAS AVAILABLE TO  
8           PERFORM THE MEASURES THAT THE POSTED NOTICE REQUIRED TO  
9           BE PERFORMED FOR ENTRY TO THE AGRICULTURAL BIOSECURITY  
10           AREA;

11           (II) ENTRY IS MADE IN RESPONSE TO A CONDITION WITHIN  
12           THE AGRICULTURAL BIOSECURITY AREA THAT THE PERSON  
13           REASONABLY BELIEVES TO BE A SERIOUS THREAT TO HUMAN OR  
14           ANIMAL HEALTH AS NECESSITATING IMMEDIATE ENTRY TO THE  
15           AGRICULTURAL BIOSECURITY AREA; OR

16           (III) ENTRY IS MADE UNDER EXIGENT CIRCUMSTANCES BY A  
17           LAW ENFORCEMENT OFFICER TO:

18           (A) PURSUE AND APPREHEND A SUSPECT OF CRIMINAL  
19           CONDUCT REASONABLY BELIEVED BY THE OFFICER TO BE  
20           PRESENT WITHIN THE AGRICULTURAL BIOSECURITY AREA; OR

21           (B) PREVENT THE DESTRUCTION OF EVIDENCE OF  
22           CRIMINAL CONDUCT REASONABLY BELIEVED BY THE OFFICER  
23           TO BE LOCATED WITHIN THE AGRICULTURAL BIOSECURITY  
24           AREA.

25           (3) (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), AN  
26           OFFENSE UNDER PARAGRAPH (1) (I) CONSTITUTES A MISDEMEANOR  
27           OF THE THIRD DEGREE.

28           (II) EXCEPT AS SET FORTH IN SUBPARAGRAPH (III), AN  
29           OFFENSE UNDER PARAGRAPH (1) (II) CONSTITUTES A SUMMARY  
30           OFFENSE.

1           (III) IF AN OFFENSE UNDER PARAGRAPH (1) CAUSES  
2           DAMAGE TO OR DEATH OF AN ANIMAL OR PLANT WITHIN AN  
3           AGRICULTURAL BIOSECURITY AREA, THE OFFENSE CONSTITUTES A  
4           MISDEMEANOR OF THE FIRST DEGREE.

5           (4) FOR PURPOSES OF THIS SUBSECTION, THE TERMS  
6           "AGRICULTURAL BIOSECURITY AREA" AND "POSTED NOTICE" SHALL  
7           HAVE THE MEANINGS GIVEN TO THEM IN 3 PA.C.S. § 2303 (RELATING  
8           TO DEFINITIONS).

9           \* \* \*

10          Section 5. This act shall take effect immediately.