

ENROLLED SENATE
BILL NO. 432

BY: LONG (Ed) of the SENATE

and

BENSON of the HOUSE

AN ACT RELATING TO CRIMES AND PUNISHMENTS AND DAMAGES; CREATING THE ANIMAL FACILITIES PROTECTION ACT; DEFINING TERMS; PROHIBITING CERTAIN ACTS WITH REGARD TO CERTAIN ANIMAL FACILITIES; PROVIDING PENALTIES; AUTHORIZING CIVIL REMEDIES AND STATING CONSTRUCTION OF ACT; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1680 of Title 21, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Animal Facilities Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1680.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;

2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;

3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;

4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;

5. "Possession" means actual care, custody, control or management; and

6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug

or alcohol is known by the offender to be unable to make reasonable decisions.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1680.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;

2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;

3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;

4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;

5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;

6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:

a. written or oral communication with the owner or a person with apparent authority to act for the owner,

b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or

c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and

7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a felony, upon conviction, punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary for a term not to exceed seven (7) years, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 68.1 of Title 23, unless there is created a duplication in numbering, reads as follows:

A. Any person who has been damaged by reason of any violation of Section 3 of this act, may bring an action in the district court against the person causing the damage or persons conspiring to cause the damage to recover an amount equal to all actual damages.

B. Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 22d day of April, 1991.

President of the Senate

Passed the House of Representatives the 19th day of March, 1991.

Speaker of the House of
Representatives