

ENROLLED SENATE
BILL NO. 584

By: Price and Gumm of the
Senate

and

Covey of the House

An Act relating to agriculture; creating the Oklahoma Farm Animal, Crop, and Research Facilities Protection Act; defining terms; prohibiting certain acts relating to animals, animal facilities, crops, and crop facilities; providing for penalties; providing for codification; and providing an effective date.

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 5-103 of Title 2, unless there is created a duplication in numbering, reads as follows:

This article shall be known and may be cited as the "Oklahoma Farm Animal, Crop, and Research Facilities Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-104 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Farm Animal, Crop, and Research Facilities Protection Act:

1. "Actor" means a person accused of any of the offenses in this act;

2. "Animal" means any warm or cold-blooded animal or insect which is being used in food or fiber production, agriculture, research, testing, or education, including, but not limited to, hogs, equines, mules, cattle, sheep, ratites, goats, dogs, rabbits, poultry, fish, and bees. The term "animal" shall not include any animal held primarily as a pet;

3. "Animal facility" includes any vehicle, building, structure, pasture, paddock, pond, impoundment, or premises where an animal is kept, handled, housed, exhibited, bred, or offered for sale and any office, building, or structure where records or documents relating to an animal or to animal research, testing, production, or education are maintained;

4. "Commissioner" means the Commissioner of Agriculture;

5. "Consent" means assent in fact, whether express or implied, by the owner or by a person legally authorized to act for the owner which is not:

- a. induced by force, threat, false pretenses, or fraud,
- b. given by a person the actor knows, or should have known, is not legally authorized to act for the owner,
- c. given by a person who by reason of youth, mental disease or defect, or intoxication is known, or should have been known, by the actor to be unable to make reasonable decisions, or
- d. given solely to detect the commission of an offense;

6. "Crop" means any fruits, vegetables, grains, or other products of annual or perennial plants, trees, or shrubs grown for consumption by humans or animals or produced or grown for other commercial or personal uses. Crop shall not include any plants, trees, or shrubs used to produce or manufacture any illegal drug or other controlled dangerous substance;

7. "Crop facility" means any field, building, greenhouse, structure, or premises where crops are grown or offered for sale and office, building, or structure where records, documents, or electronic data relating to crops or crop research, testing, production, or education are maintained;

8. "Deprive" means unlawfully to withhold from the owner, interfere with the possession of, free, or dispose of an animal or other property;

9. "Owner" means a person who has title to the property, lawful possession of the property, or a greater right to possession of the property than the actor;

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

11. "Possession" means actual care, custody, or management;

12. "Property" means any real or personal property and shall include any document, record, research data, paper, or computer storage medium; and

13. "State" means the State of Oklahoma.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-105 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. 1. A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over

an animal facility, an animal from an animal facility, or other property from an animal facility with the intent to deprive the owner of such facility, animal, or property and to disrupt or damage the enterprise conducted at the animal facility.

2. A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over a crop facility, a crop from a crop facility, or other property from a crop facility with the intent to deprive the owner of such facility, crop, or property and to disrupt or damage the enterprise conducted at the crop facility.

B. 1. A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility and the damage or loss thereto exceeds Five Hundred Dollars (\$500.00); or

2. A person commits an offense if, without the consent of the owner, the person damages or destroys a crop facility or damages or destroys any crop or property in or on a crop facility with the intent to disrupt or damage the enterprise conducted at the crop facility and the damage or loss thereto exceeds Five Hundred Dollars (\$500.00).

C. 1. A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility and the damage or loss thereto is Five Hundred Dollars (\$500.00) or less or enters or remains on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:

- a. had notice that the entry was forbidden,
- b. knew or should have known that the animal facility was or had closed to the public, or
- c. received notice to depart but failed to do so.

2. For the purposes of this paragraph "notice" means:

- a. oral or written communication by the owner or someone with actual or apparent authority to act for the owner,
- b. the presence of fencing or other type of enclosure or barrier designed to exclude intruders or to contain animals, or
- c. a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden,

- (1) a person commits an offense if, without the consent of the owner, the person damages or destroys a crop facility or damages or destroys any crop or property in or on a crop facility and the damage or loss thereto is Five Hundred Dollars (\$500.00) or less or enters or remains on a crop facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:
 - (a) had notice that the entry was forbidden,
 - (b) knew or should have known that the crop facility was or had closed to the public, or
 - (c) received notice to depart but failed to do so,
- (2) for the purposes of this subdivision "notice" means:
 - (a) oral or written communication by the owner or someone with actual or apparent authority to act for the owner, or
 - (b) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

D. This section shall not apply to, affect, or otherwise prohibit actions taken by the Oklahoma Department of Agriculture, Food, and Forestry, any other federal, state, or local department or agency, or any official, employee, or agent thereof while in the exercise or performance of any power or duty imposed by law or by rule and regulation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-106 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. A person convicted of any of the offenses defined in subsections A and B of Section 3 of this act shall be guilty of a felony and, upon conviction, shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00) or by imprisonment for a term not to exceed three (3) years, or both.

B. Any person violating subsection C of Section 3 of this act shall be guilty of a misdemeanor.

SECTION 5. This act shall become effective November 1, 2003.

Passed the Senate the 4th day of March, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 7th day of April, 2003.

Presiding Officer of the House
of Representatives