ENROLLED SENATE
BILL NO. 833

By: Shurden of the Senate

and

Leist of the House

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1680.2, which relates to prohibited acts with regard to certain animal facilities; reducing certain penalty pursuant to a violation of the Animal Facilities Protection Act; requiring full restitution for damaged property; construing certain provision; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1680.2, is amended to read as follows:

Section 1680.2 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~~ misdemeanor, upon conviction, punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the ~~State Penitentiary~~ county jail for a term not to exceed ~~seven (7) years~~ one (1) year, 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 or be construed to conflict with any provision of Section 391 et seq. of Title 4 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 2003.

SECTION 3. 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 4th day of March, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 25th day of March, 2003.

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Presiding Officer of the House
of Representatives