

SB 584

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**THE STATE SENATE**  
**Monday, February 24, 2003**

**Senate Bill No. 584**

SENATE BILL NO. 584 - By: PRICE 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,

1 research, testing, or education, including, but not limited to,  
2 hogs, equines, mules, cattle, sheep, ratites, goats, dogs, rabbits,  
3 poultry, fish, and bees. The term "animal" shall not include any  
4 animal held primarily as a pet;

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

11 4. "Commissioner" means the Commissioner of Agriculture;

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

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

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

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

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

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

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

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

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

4        13. "State" means the State of Oklahoma.

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

8        A. 1. A person commits an offense if, without the consent of  
9 the owner, the person acquires or otherwise exercises control over  
10 an animal facility, an animal from an animal facility, or other  
11 property from an animal facility with the intent to deprive the  
12 owner of such facility, animal, or property and to disrupt or damage  
13 the enterprise conducted at the animal facility.

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

20        B. 1. A person commits an offense if, without the consent of  
21 the owner, the person damages or destroys an animal facility or  
22 damages, frees, or destroys any animal or property in or on an  
23 animal facility with the intent to disrupt or damage the enterprise

1 conducted at the animal facility and the damage or loss thereto  
2 exceeds Five Hundred Dollars (\$500.00); or

3 2. A person commits an offense if, without the consent of the  
4 owner, the person damages or destroys a crop facility or damages or  
5 destroys any crop or property in or on a crop facility with the  
6 intent to disrupt or damage the enterprise conducted at the crop  
7 facility and the damage or loss thereto exceeds Five Hundred Dollars  
8 (\$500.00).

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

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

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

- 21 a. oral or written communication by the owner or someone  
22 with actual or apparent authority to act for the  
23 owner,

1           b.    the presence of fencing or other type of enclosure or  
2                    barrier designed to exclude intruders or to contain  
3                    animals, or  
4           c.    a sign or signs posted on the property or at the  
5                    entrance to the building, reasonably likely to come to  
6                    the attention of intruders, indicating that entry is  
7                    forbidden,  
8                    (1) a person commits an offense if, without the  
9                        consent of the owner, the person damages or  
10                       destroys a crop facility or damages or destroys  
11                       any crop or property in or on a crop facility and  
12                       the damage or loss thereto is Five Hundred  
13                       Dollars (\$500.00) or less or enters or remains on  
14                       a crop facility with the intent to disrupt or  
15                       damage the enterprise conducted at the animal  
16                       facility, and the person:  
17                       (a) had notice that the entry was forbidden,  
18                       (b) knew or should have known that the crop  
19                            facility was or had closed to the public, or  
20                       (c) received notice to depart but failed to do  
21                            so,  
22                    (2) for the purposes of this subdivision "notice"  
23                        means:

- 1 (a) oral or written communication by the owner  
2 or someone with actual or apparent authority  
3 to act for the owner, or  
4 (b) a sign or signs posted on the property or at  
5 the entrance to the building, reasonably  
6 likely to come to the attention of  
7 intruders, indicating that entry is  
8 forbidden.

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

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,  
5 dated 2-11-03 - DO PASS, As Coauthored.