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Agriculture

WITHDRAWN
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HOUSE FILE 163
BY HORBACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to agricultural production, by prohibiting acts
2 relating to facilities or operations, making penalties
3 applicable, and providing penalties and civil liability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 163

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1 Section 1. NEW SECTION. 717A.0A DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Agricultural animal" means any of the following:

5 a. An animal that is maintained for its parts or products
6 having commercial value, including but not limited to its
7 muscle tissue, organs, fat, blood, manure, bones, milk, wool,
8 hide, pelt, feathers, eggs, semen, embryos, or honey.

9 b. An animal belonging to the equine species, including
10 horse, pony, mule, jenny, donkey, or hinny.

11 2. "Agricultural production" means any activity related to
12 maintaining an agricultural animal or research crop.

13 3. "Animal" means a warm-blooded or cold-blooded animal,
14 including but not limited to an animal belonging to the
15 bovine, canine, feline, equine, ovine, or porcine species, or
16 ostriches, rheas, or emus; an animal which belongs to a
17 species of poultry or fish; mink or other pelt-bearing
18 mammals; any invertebrate; or honey bees.

19 4. "Animal facility" means any of the following:

20 a. A location where an agricultural animal is maintained
21 for agricultural production purposes, including but not
22 limited to a location dedicated to farming as defined in
23 section 9H.1, a livestock market, exhibition, or a vehicle
24 used to transport the animal.

25 b. A location where an animal is maintained for
26 educational or scientific purposes, including an institution
27 as defined in section 145B.1, a research facility as defined
28 in section 162.2, an exhibition, or a vehicle used to
29 transport the animal.

30 c. A location operated by a person licensed to practice
31 veterinary medicine pursuant to chapter 169.

32 d. A pound as defined in section 162.2.

33 e. An animal shelter as defined in section 162.2.

34 f. A pet shop as defined in section 162.2.

35 g. A boarding kennel as defined in section 162.2.

1 h. A commercial kennel as defined in section 162.2.

2 5. "Consent" means express or apparent assent by a person
3 authorized to provide such assent.

4 6. "Crop" means any plant maintained for its parts or
5 products having commercial value, including but not limited to
6 food, animal feed, fiber, alcohol, or oil, and classified as a
7 forage or cereal plant, including but not limited to alfalfa,
8 barley, buckwheat, corn, flax, forage, millet, oats, popcorn,
9 rye, sorghum, soybeans, sunflowers, wheat, and grasses used
10 for forage or silage.

11 7. "Deprive" means to do any of the following:

12 a. For an animal maintained at an animal facility or
13 property belonging to an animal facility, "deprive" means to
14 do any of the following:

15 (1) Withhold the animal or property for a period of time
16 sufficient to significantly reduce the value or enjoyment of
17 the animal or property.

18 (2) Withhold the animal or property for ransom or upon
19 condition to restore the animal or property in return for
20 compensation.

21 (3) Dispose of the animal maintained at or property in a
22 manner that makes recovery of the animal or property by its
23 owner unlikely.

24 b. For research crops or research crop operation property,
25 "deprive" means to do any of the following:

26 (1) Occupy any part of a research crop operation for a
27 period of time sufficient to prevent access to the research
28 crop or research crop operation.

29 (2) Dispose of a research crop maintained at or research
30 crop operation property belonging to a research crop operation
31 in a manner that makes recovery of the research crop or
32 research crop property by its owner unlikely.

33 8. "Maintain" means to do any of the following:

34 a. Keep and provide for the care and feeding of any
35 animal, including any activity relating to confining,

1 handling, breeding, transporting, or exhibiting the animal.

2 b. Keep and preserve any research crop, by planting,
3 nurturing, harvesting, and storing the research crop.

4 9. "Owner" means any of the following:

5 a. A person who has a legal interest in an animal or
6 property belonging to an animal facility or who is authorized
7 by the holder of the legal interest to act on the holder's
8 behalf in maintaining the animal.

9 b. A person who has a legal interest in a research crop or
10 research crop operation property or who is authorized by the
11 holder of the legal interest to act on the holder's behalf in
12 maintaining the research crop.

13 10. "Research crop" means a crop that is maintained for
14 purposes of scientific research regarding the study or
15 alteration of the genetic characteristics of a plant or
16 associated seed, including its deoxyribonucleic acid, which is
17 accomplished by breeding or by using biotechnological systems
18 or techniques.

19 11. "Research crop operation" means an enterprise where a
20 research crop is maintained on research crop property.

21 12. "Research crop operation property" means any real
22 property, including a crop field, any land associated with the
23 crop field, structures located on the land, and personal
24 property, including machinery, or equipment, which is part of
25 a research crop operation.

26 Sec. 2. Section 717A.1, subsection 1, Code 2001, is
27 amended by striking the subsection.

28 Sec. 3. NEW SECTION. 717A.3 CROPS OR CROP OPERATION
29 PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

30 1. A person shall not, without the consent of the owner,
31 do any of the following:

32 a. Willfully destroy a research crop or research crop
33 operation property.

34 b. Exercise control over a research crop or research crop
35 operation property with an intent to deprive the owner of the

1 research crop or research crop operation property.

2 c. Enter onto or remain on research crop operation
3 property, if the person has notice that the property is not
4 open to the public, and the person has an intent to do one of
5 the following:

6 (1) Disrupt agricultural production conducted on the
7 research crop operation property, if the operations directly
8 relate to the maintenance of research crops.

9 (2) Destroy a research crop or any portion of a research
10 crop maintained on the research crop operation property.

11 A person has notice that a research crop operation property
12 is not open to the public if the person is provided notice
13 prohibiting entry before the person enters onto the research
14 crop operation property, or the person refuses to immediately
15 depart from the research crop operation property after being
16 informed to leave. The notice may be in the form of a written
17 or verbal communication by the owner, a fence or other
18 enclosure designed to exclude intruders, or a sign posted
19 which is reasonably likely to come to the attention of an
20 intruder and which indicates that entry is prohibited.

21 2. a. A person suffering damages resulting from an act
22 which is in violation of this section may bring an action in
23 the district court against the person causing the damage to
24 recover all of the following:

25 (1) For damages that are not to a research crop, an amount
26 equaling three times all actual and consequential losses.

27 (2) For damages to a research crop, all of the following:

28 (a) Twice the amount of damages directly incurred by
29 market losses, based on the lost market value of the research
30 crop due to the damage, assuming that the research crop would
31 have matured undamaged and been sold in normal commercial
32 channels. If the research crop has no market value, the
33 damages shall be twice the amount of actual damages incurred
34 in producing, harvesting, and storing the damaged research
35 crop.

1 (b) Twice the amount of damages directly incurred by
2 developmental losses, based on the losses associated with the
3 research crop's expected scientific value. The research
4 crop's scientific value shall be determined by calculating the
5 amount expended in developing the research crop, including
6 costs associated with researching, testing, breeding, or
7 engineering. However, such damages shall not be awarded to
8 the extent that the losses are mitigated by undamaged research
9 crops that have been identically developed.

10 b. A prevailing plaintiff in an action brought under this
11 section shall be awarded court costs and reasonable attorney
12 fees, which shall be taxed as part of the costs of the action.

13 3. A person violating this section is guilty of the
14 following penalties:

15 a. A person who violates subsection 1, paragraph "a", is
16 guilty of the following:

17 (1) A class "C" felony if the damage to research crops or
18 research crop operation property exceeds fifty thousand
19 dollars.

20 (2) A class "D" felony if the damage to research crops or
21 research crop operation property exceeds five hundred dollars
22 but does not exceed fifty thousand dollars.

23 (3) An aggravated misdemeanor if the damage to research
24 crops or research crop operation property exceeds one hundred
25 dollars but does not exceed five hundred dollars.

26 (4) A serious misdemeanor if the damage to research crops
27 or research crop operation property exceeds fifty dollars but
28 does not exceed one hundred dollars.

29 (5) A simple misdemeanor if the damage to research crops
30 or research crop operation property does not exceed fifty
31 dollars.

32 b. A person who violates subsection 1, paragraph "b", is
33 guilty of a class "D" felony.

34 c. A person who violates subsection 1, paragraph "c", is
35 guilty of an aggravated misdemeanor.

1 4. This section does not prohibit any conduct of a person
2 holding a legal interest in a research crop operation that is
3 superior to the interest held by a person suffering from
4 damages resulting from the conduct. The section does not
5 apply to activities of a governmental agency.

6 EXPLANATION

7 This bill amends Code chapter 717A, which currently
8 includes one section, Code section 717A.1, which prohibits a
9 person from interfering with the operations of a facility used
10 to keep animals. The section specifically prohibits a person,
11 without the consent of the owner, to willfully destroy
12 property of an animal facility, or injure an animal maintained
13 there. It prohibits such a person from exercising control
14 over an animal facility or an animal maintained there with
15 intent to deprive the animal facility of an animal or
16 property. It also prohibits a person from entering onto or
17 into an animal facility related to agricultural production,
18 educational or scientific purposes, or veterinary care, or
19 from remaining there, if the person has notice that the
20 facility is not open to the public and the person has an
21 intent to disrupt its operations. A person convicted under
22 the section is subject to a range of criminal penalties
23 ranging from a class "C" felony to a simple misdemeanor. A
24 person suffering damages resulting from a criminal violation
25 has a cause of action against the violator for an amount
26 equaling three times all actual and consequential damages plus
27 court costs and reasonable attorney fees.

28 Code section 717A.1 currently defines an animal broadly to
29 mean a warm-blooded or cold-blooded animal. It specifically
30 names a number of types of animals including livestock, fish,
31 and invertebrates. An animal facility is defined to include a
32 location where an animal is maintained for agricultural
33 production. Agricultural production is not defined.

34 This bill makes two fundamental changes. First it amends a
35 number of definitions relating to animal facilities. It

1 provides that an animal specifically includes fur-bearing
2 mammals and honey bees. It also provides a definition for
3 agricultural production that refers to the maintenance of
4 agricultural animals, which the bill defines as an animal
5 maintained for its parts or products having commercial value
6 or any animal classified as part of the equine species.

7 Secondly, the bill prohibits persons from disrupting
8 research crop operations. The provisions are similar to those
9 applying to animal facilities. The new provisions
10 specifically apply to land used as part of a research crop
11 operation where designated crops (e.g., alfalfa, barley,
12 buckwheat, corn, flax, forage, millet, oats, popcorn, rye,
13 sorghum, soybeans, sunflowers, wheat, and forage grasses) are
14 maintained for scientific research regarding the study or
15 alteration of the crop's genetic characteristics.

16 Generally, the offenses and related criminal penalties for
17 violations of prohibitions involving research crop operations
18 are the same as those provided in Code section 717A.1
19 involving animal facilities. The bill prohibits a person
20 acting without the consent of the owner from willfully
21 destroying a research crop or research crop operation
22 property. The person is guilty of a criminal penalty ranging
23 from a class "C" felony for damage to crops or crop operation
24 property exceeding \$50,000 to a simple misdemeanor for damages
25 to research crops or research crop operation property that
26 does not exceed \$50. The bill prohibits a person from
27 exercising control over a research crop or research crop
28 operation property with an intent to deprive the owner of the
29 crop or crop operation property. The person is guilty of a
30 class "D" felony. Finally, the bill prohibits a person from
31 entering onto or remaining on research crop operation
32 property, if the person has notice that the property is not
33 open to the public, and the person has an intent to disrupt
34 the operation or destroy the research crop. The person is
35 guilty of an aggravated misdemeanor.

1 The bill also provides for a private right of action by a
2 person injured by a person acting in violation of the bill's
3 prohibition similar to the private right of action provided to
4 a person suffering damages resulting from an offense involving
5 an animal facility. Under the provisions of the bill, the
6 person's recovery is dependent upon the type of property
7 damaged. If the damages are not to a research crop, the
8 person may recover an amount equaling three times actual and
9 consequential losses. If the damages are to a crop, the
10 injured party may receive twice the amount of damages directly
11 incurred by market losses and twice the amount of damages
12 directly incurred by developmental losses based on the
13 research crop's expected scientific value. The prevailing
14 plaintiff shall also be awarded court costs and reasonable
15 attorney fees.

16 For both animal facilities and research crop operations,
17 the bill's provisions do not apply to activities involving a
18 governmental agency.

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