

Greiner
Sexton
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SSB-1226
Agriculture
Succeeded By

SENATE FILE SF/HF 456
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON McLAREN)

Passed Senate, Date _____ Passed House, 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:

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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 at an animal facility or a
13 crop on crop operation property.

14 3. "Animal" means a warm-blooded or cold-blooded animal,
15 including but not limited to an animal belonging to the
16 bovine, canine, feline, equine, ovine, or porcine species;
17 farm deer as defined in section 189A.2; ostriches, rheas, or
18 emus; an animal which belongs to a species of poultry or fish;
19 mink or other pelt-bearing mammals; any invertebrate; or honey
20 bees.

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

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

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

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

34 d. A pound as defined in section 162.2.

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

- 1 f. A pet shop as defined in section 162.2.
- 2 g. A boarding kennel as defined in section 162.2.
- 3 h. A commercial kennel as defined in section 162.2.
- 4 5. "Consent" means express or apparent assent by a person
- 5 authorized to provide such assent.
- 6 6. a. "Crop" means any plant maintained for its parts or
- 7 products having commercial value, including but not limited to
- 8 stalks, trunks and branches, cuttings, grafts, scions, leaves,
- 9 buds, fruit, vegetables, roots, bulbs, or seeds, if the plant
- 10 is any of the following:
- 11 (1) A plant produced from an agricultural seed or
- 12 vegetable seed as defined in section 199.1, including any
- 13 plant producing a commodity listed in section 210.10.
- 14 (2) A plant which is a tree, shrub, vine, berry plant,
- 15 greenhouse plant, or flower.
- 16 b. A plant produced from a noxious weed seed as defined in
- 17 section 199.1 is not a crop unless the plant is produced as a
- 18 research crop.
- 19 7. "Crop operation" means a commercial enterprise where a
- 20 crop is maintained on the property of the commercial
- 21 enterprise.
- 22 8. "Crop operation property" means any of the following:
- 23 a. Real property that is a crop field, orchard, nursery,
- 24 greenhouse, garden, elevator, seedhouse, barn, warehouse, any
- 25 other associated land or structures located on the land, and
- 26 personal property located on the land including machinery or
- 27 equipment, that is part of a crop operation.
- 28 b. A vehicle used to transport a crop that was maintained
- 29 on the crop operation property.
- 30 9. "Deprive" means to do any of the following:
- 31 a. For an animal maintained at an animal facility or
- 32 property belonging to an animal facility, "deprive" means to
- 33 do any of the following:
- 34 (1) Withhold the animal or property for a period of time
- 35 sufficient to significantly reduce the value or enjoyment of

1 the animal or property.

2 (2) Withhold the animal or property for ransom or upon
3 condition to restore the animal or property in return for
4 compensation.

5 (3) Dispose of the animal or property in a manner that
6 makes recovery of the animal or property by its owner
7 unlikely.

8 b. For crops maintained on crop operation property or for
9 crop operation property, "deprive" means to do any of the
10 following:

11 (1) Occupy any part of a crop operation property for a
12 period of time sufficient to prevent access to the crop or
13 crop operation property.

14 (2) Dispose of a crop maintained on the crop operation
15 property or belonging to the crop operation in a manner that
16 makes recovery of the crop or crop operation property by its
17 owner unlikely.

18 10. "Maintain" means to do any of the following:

19 a. Keep and provide for the care and feeding of any
20 animal, including any activity relating to confining,
21 handling, breeding, transporting, or exhibiting the animal.

22 b. Keep and preserve any crop, by planting, nurturing,
23 harvesting, and storing the crop.

24 11. "Owner" means any of the following:

25 a. A person, including a public or private entity, who has
26 a legal interest in an animal or property belonging to an
27 animal facility or who is authorized by the holder of the
28 legal interest to act on the holder's behalf in maintaining
29 the animal.

30 b. A person, including a public or private entity, who has
31 a legal interest in a crop or crop operation property or who
32 is authorized by the holder of the legal interest to act on
33 the holder's behalf in maintaining the crop.

34 12. "Research crop" means a crop that is maintained for
35 purposes of scientific research regarding the study or

1 alteration of the genetic characteristics of a plant or
2 associated seed, including its deoxyribonucleic acid, which is
3 accomplished by breeding or by using biotechnological systems
4 or techniques.

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

7 Sec. 3. Section 717A.1, subsection 5, Code 2001, is
8 amended to read as follows:

9 5. a. This section does not prohibit any conduct of a
10 person holding a legal interest in an animal or property which
11 is superior to the interest held by a person suffering from
12 damages resulting from the conduct.

13 b. The section does not apply to activities of a
14 governmental agency that is taking lawful action against an
15 animal or animal facility.

16 Sec. 4. NEW SECTION. 717A.2 CROPS OR CROP OPERATION
17 PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

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

20 a. Willfully destroy a crop maintained on crop operation
21 property or crop operation property.

22 b. Exercise control over a crop maintained on crop
23 operation property or crop operation property with an intent
24 to deprive the owner of the crop or crop operation property.

25 c. Enter onto or remain on crop operation property, if the
26 person has notice that the property is not open to the public,
27 and the person has an intent to do one of the following:

28 (1) Disrupt agricultural production conducted on the crop
29 operation property, if the agricultural production directly
30 relates to the maintenance of crops.

31 (2) Destroy a crop or any portion of a crop maintained on
32 the crop operation property.

33 A person has notice that a crop operation property is not
34 open to the public if the person is provided notice
35 prohibiting entry before the person enters onto the crop

1 operation property, or the person refuses to immediately
2 depart from the crop operation property after being notified
3 to leave. The notice may be in the form of a written or
4 verbal communication by the owner, a fence or other enclosure
5 designed to exclude intruders, or a sign posted which is
6 reasonably likely to come to the attention of an intruder and
7 which indicates that entry is prohibited.

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

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

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

15 (a) Twice the amount of damages directly incurred by
16 market losses, based on the lost market value of the research
17 crop due to the damage, assuming that the research crop would
18 have matured undamaged and been sold in normal commercial
19 channels. If the research crop has no market value, the
20 damages shall be twice the amount of actual damages incurred
21 in producing, harvesting, and storing the damaged research
22 crop.

23 (b) Twice the amount of damages directly incurred by
24 developmental losses, based on the losses associated with the
25 research crop's expected scientific value. The research
26 crop's scientific value shall be determined by calculating the
27 amount expended in developing the research crop, including
28 costs associated with researching, testing, breeding, or
29 engineering. However, such damages shall not be awarded to
30 the extent that the losses are mitigated by undamaged research
31 crops that have been identically developed.

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

35 3. A person who damages a research crop or crop operation

1 property where a research crop is maintained is guilty of the
2 following:

3 a. For a violation of subsection 1, paragraph "a", the
4 following:

5 (1) A class "C" felony if the damage to research crops or
6 research crop operation property exceeds fifty thousand
7 dollars.

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

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

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

17 (5) A simple misdemeanor if the damage to research crops
18 or research crop operation property does not exceed fifty
19 dollars.

20 b. For a violation of subsection 1, paragraph "b", the
21 person is guilty of a class "D" felony.

22 c. For a violation of subsection 1, paragraph "c", the
23 person is guilty of an aggravated misdemeanor.

24 4. A person who damages a crop other than a research crop
25 or crop operation property where a research crop is not
26 maintained is guilty of the following:

27 a. For a violation of subsection 1, paragraph "a", the
28 following:

29 (1) A class "C" felony if the damage to crops or crop
30 operation property exceeds fifty thousand dollars.

31 (2) A class "D" felony if the damage to crops or crop
32 operation property exceeds ten thousand dollars but does not
33 exceed fifty thousand dollars.

34 (3) An aggravated misdemeanor if the damage to crops or
35 crop operation property exceeds five thousand dollars but does

1 not exceed ten thousand dollars.

2 (4) A serious misdemeanor if the damage to crops or crop
3 operation property exceeds five hundred dollars but does not
4 exceed five thousand dollars.

5 (5) A simple misdemeanor if the damage to crops or crop
6 operation property does not exceed five hundred dollars.

7 b. For a violation of subsection 1, paragraph "b", the
8 person is guilty of an aggravated misdemeanor.

9 c. For a violation of subsection 1, paragraph "c", the
10 person is guilty of a serious misdemeanor.

11 5. a. This section does not prohibit any conduct of a
12 person holding a legal interest in a crop operation that is
13 superior to the interest held by a person suffering from
14 damages resulting from the conduct.

15 b. This section does not apply to a governmental agency
16 that is taking lawful action against a crop or crop operation
17 property.

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EXPLANATION

19 This bill amends Code chapter 717A, which currently
20 includes one section, Code section 717A.1, which prohibits a
21 person from interfering with the operations of a facility used
22 to keep animals. The section specifically prohibits a person,
23 without the consent of the owner, to willfully destroy
24 property of an animal facility, or injure an animal maintained
25 there. It prohibits such a person from exercising control
26 over an animal facility or an animal maintained there with
27 intent to deprive the animal facility of an animal or
28 property. It also prohibits a person from entering onto or
29 into an animal facility related to agricultural production,
30 educational or scientific purposes, or veterinary care, or
31 from remaining there, if the person has notice that the
32 facility is not open to the public and the person has an
33 intent to disrupt its operations. A person convicted under
34 the section is subject to a range of criminal penalties
35 ranging from a class "C" felony to a simple misdemeanor. A

1 person suffering damages resulting from a criminal violation
2 has a cause of action against the violator for an amount
3 equaling three times all actual and consequential damages plus
4 court costs and reasonable attorney fees.

5 Code section 717A.1 currently defines an animal broadly to
6 mean a warm-blooded or cold-blooded animal. It specifically
7 names a number of types of animals including livestock, fish,
8 and invertebrates. An animal facility is defined to include a
9 location where an animal is maintained for agricultural
10 production. Agricultural production is not defined.

11 The bill makes two fundamental changes. First it amends a
12 number of definitions relating to animal facilities. It
13 provides that an animal specifically includes pelt-bearing
14 mammals and honey bees. It also provides a definition for
15 agricultural production that refers to the maintenance of
16 agricultural animals, which the bill defines as an animal
17 maintained for its parts or products having commercial value
18 or any animal classified as part of the equine species.

19 Secondly, the bill prohibits persons from disrupting crop
20 operations. The provisions are similar to those applying to
21 animal facilities. The new provisions specifically apply to
22 land used as part of a crop operation.

23 The bill expands the scope of chapter 717A to include crops
24 maintained on crop operation property and crop operation
25 property. The bill defines "crop" to mean grain and forage
26 crops but also trees, shrubs, vines, berry plants, and
27 greenhouse plants that are maintained on crop operation
28 property. "Crop operation property" means a crop field,
29 orchard, nursery, greenhouse, garden, elevator, seedhouse,
30 barn, warehouse, or a vehicle used to transport the crop. The
31 bill also provides for research produced for purposes of
32 scientific research regarding the study or alteration of its
33 genetic characteristics (either through conventional breeding
34 or biotechnology). The bill follows the provisions applying
35 to animals in the current law by prohibiting persons from

1 disrupting research crop operations or destroying crops.

2 The bill prohibits a person acting without the consent of
3 the owner from willfully destroying a crop or crop operation
4 property. The bill prohibits a person from exercising control
5 over a crop or crop operation property with an intent to
6 deprive the owner of the crop or crop operation property.
7 Finally, the bill prohibits a person from entering onto or
8 remaining on crop operation property, if the person has notice
9 that the property is not open to the public, and the person
10 has an intent to disrupt the operation or destroy the crop.

11 The criminal penalties are different based on whether the
12 offense relates to research crops and related operations or
13 other crops and related operations. For the offense of
14 willful destruction of crops or crop operation property, a
15 person is subject to a range of penalties ranging from a
16 simple misdemeanor (imprisonment for not more than 30 days and
17 a fine of \$50 to \$500) to a class "C" felony (imprisonment of
18 not more than 10 years and a fine of \$1,000 to \$10,000), based
19 on the dollar amount of the damages. The schedule for
20 criminal penalties is different based on whether a research
21 crop operation or other crop operation is involved. For the
22 offense of exercising control over a crop or crop operation
23 property, a person is subject to a class "D" felony
24 (imprisonment of not more than five years and a fine of
25 between \$750 to \$7,500) if it involves a research crop
26 operation, and an aggravated misdemeanor (imprisonment of not
27 more than two years and a fine of between \$500 to \$5,000) if
28 it is another type of crop operation. For the offense of
29 entering onto or remaining on crop operation property with an
30 intent to disrupt agricultural operations or destroy a crop, a
31 person is guilty of an aggravated misdemeanor if it involves a
32 research crop operation or a serious misdemeanor (imprisonment
33 of not more than one year and a fine of \$250 to \$1,500) if it
34 does not.

35 The bill provides for a private right of action by a person

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

15 For both animal facilities and research crop operations,
 16 the bill's provisions do not apply to activities involving law
 17 enforcement activities.

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Substituted for by HF 502

3-26-01
(p. 827)

FILED MAR 15 '01

SENATE FILE **456**
BY COMMITTEE ON AGRICULTURE

WITHDRAWN
4-24-01

(SUCCESSOR TO SSB 1226)
(COMPANION TO HF 502 BY
COMMITTEE ON AGRICULTURE)

Passed Senate, Date _____ Passed House, 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:

SF 456

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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 at an animal facility or a
13 crop or crop operation property.

14 3. "Animal" means a warm-blooded or cold-blooded animal,
15 including but not limited to an animal belonging to the
16 bovine, canine, feline, equine, ovine, or porcine species;
17 farm deer as defined in section 189A.2; ostriches, rheas, or
18 emus; an animal which belongs to a species of poultry or fish;
19 mink or other pelt-bearing mammals; any invertebrate; or honey
20 bees.

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

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

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

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

34 d. A pound as defined in section 162.2.

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

- 1 f. A pet shop as defined in section 162.2.
- 2 g. A boarding kennel as defined in section 162.2.
- 3 h. A commercial kennel as defined in section 162.2.
- 4 5. "Consent" means express or apparent assent by a person
- 5 authorized to provide such assent.
- 6 6. a. "Crop" means any plant maintained for its parts or
- 7 products having commercial value, including but not limited to
- 8 stalks, trunks and branches, cuttings, grafts, scions, leaves,
- 9 buds, fruit, vegetables, roots, bulbs, or seeds, if the plant
- 10 is any of the following:
 - 11 (1) A plant produced from an agricultural seed or
 - 12 vegetable seed as defined in section 199.1, including any
 - 13 plant producing a commodity listed in section 210.10.
 - 14 (2) A plant which is a tree, shrub, vine, berry plant,
 - 15 greenhouse plant, or flower.
- 16 b. A plant produced from a noxious weed seed as defined in
- 17 section 199.1 is not a crop unless the plant is produced as a
- 18 research crop.
- 19 7. "Crop operation" means a commercial enterprise where a
- 20 crop is maintained on the property of the commercial
- 21 enterprise.
- 22 8. "Crop operation property" means any of the following:
 - 23 a. Real property that is a crop field, orchard, nursery,
 - 24 greenhouse, garden, elevator, seedhouse, barn, warehouse, any
 - 25 other associated land or structures located on the land, and
 - 26 personal property located on the land including machinery or
 - 27 equipment, that is part of a crop operation.
 - 28 b. A vehicle used to transport a crop that was maintained
 - 29 on the crop operation property.
- 30 9. "Deprive" means to do any of the following:
 - 31 a. For an animal maintained at an animal facility or
 - 32 property belonging to an animal facility, "deprive" means to
 - 33 do any of the following:
 - 34 (1) Withhold the animal or property for a period of time
 - 35 sufficient to significantly reduce the value or enjoyment of

1 the animal or property.

2 (2) Withhold the animal or property for ransom or upon
3 condition to restore the animal or property in return for
4 compensation.

5 (3) Dispose of the animal or property in a manner that
6 makes recovery of the animal or property by its owner
7 unlikely.

8 b. For crops maintained on crop operation property or for
9 crop operation property, "deprive" means to do any of the
10 following:

11 (1) Occupy any part of a crop operation property for a
12 period of time sufficient to prevent access to the crop or
13 crop operation property.

14 (2) Dispose of a crop maintained on the crop operation
15 property or belonging to the crop operation in a manner that
16 makes recovery of the crop or crop operation property by its
17 owner unlikely.

18 10. "Maintain" means to do any of the following:

19 a. Keep and provide for the care and feeding of any
20 animal, including any activity relating to confining,
21 handling, breeding, transporting, or exhibiting the animal.

22 b. Keep and preserve any crop, by planting, nurturing,
23 harvesting, and storing the crop.

24 11. "Owner" means any of the following:

25 a. A person, including a public or private entity, who has
26 a legal interest in an animal or property belonging to an
27 animal facility or who is authorized by the holder of the
28 legal interest to act on the holder's behalf in maintaining
29 the animal.

30 b. A person, including a public or private entity, who has
31 a legal interest in a crop or crop operation property or who
32 is authorized by the holder of the legal interest to act on
33 the holder's behalf in maintaining the crop.

34 12. "Research crop" means a crop that is maintained for
35 purposes of scientific research regarding the study or

1 alteration of the genetic characteristics of a plant or
2 associated seed, including its deoxyribonucleic acid, which is
3 accomplished by breeding or by using biotechnological systems
4 or techniques.

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

7 Sec. 3. Section 717A.1, subsection 5, Code 2001, is
8 amended to read as follows:

9 5. a. This section does not prohibit any conduct of a
10 person holding a legal interest in an animal or property which
11 is superior to the interest held by a person suffering from
12 damages resulting from the conduct.

13 b. The section does not apply to ~~activities-of~~ a
14 governmental agency that is taking lawful action against an
15 animal or animal facility.

16 Sec. 4. NEW SECTION. 717A.2 CROPS OR CROP OPERATION
17 PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

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

20 a. Willfully destroy a crop maintained on crop operation
21 property or crop operation property.

22 b. Exercise control over a crop maintained on crop
23 operation property or crop operation property with an intent
24 to deprive the owner of the crop or crop operation property.

25 c. Enter onto or remain on crop operation property, if the
26 person has notice that the property is not open to the public,
27 and the person has an intent to do one of the following:

28 (1) Disrupt agricultural production conducted on the crop
29 operation property, if the agricultural production directly
30 relates to the maintenance of crops.

31 (2) Destroy a crop or any portion of a crop maintained on
32 the crop operation property.

33 A person has notice that a crop operation property is not
34 open to the public if the person is provided notice
35 prohibiting entry before the person enters onto the crop

1 operation property, or the person refuses to immediately
2 depart from the crop operation property after being notified
3 to leave. The notice may be in the form of a written or
4 verbal communication by the owner, a fence or other enclosure
5 designed to exclude intruders, or a sign posted which is
6 reasonably likely to come to the attention of an intruder and
7 which indicates that entry is prohibited.

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

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

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

15 (a) Twice the amount of damages directly incurred by
16 market losses, based on the lost market value of the research
17 crop due to the damage, assuming that the research crop would
18 have matured undamaged and been sold in normal commercial
19 channels. If the research crop has no market value, the
20 damages shall be twice the amount of actual damages incurred
21 in producing, harvesting, and storing the damaged research
22 crop.

23 (b) Twice the amount of damages directly incurred by
24 developmental losses, based on the losses associated with the
25 research crop's expected scientific value. The research
26 crop's scientific value shall be determined by calculating the
27 amount expended in developing the research crop, including
28 costs associated with researching, testing, breeding, or
29 engineering. However, such damages shall not be awarded to
30 the extent that the losses are mitigated by undamaged research
31 crops that have been identically developed.

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

35 3. A person who damages a research crop or crop operation

1 property where a research crop is maintained is guilty of the
2 following:

3 a. For a violation of subsection 1, paragraph "a", the
4 following:

5 (1) A class "C" felony if the damage to research crops or
6 research crop operation property exceeds fifty thousand
7 dollars.

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

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

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

17 (5) A simple misdemeanor if the damage to research crops
18 or research crop operation property does not exceed fifty
19 dollars.

20 b. For a violation of subsection 1, paragraph "b", the
21 person is guilty of a class "D" felony.

22 c. For a violation of subsection 1, paragraph "c", the
23 person is guilty of an aggravated misdemeanor.

24 4. A person who damages a crop other than a research crop
25 or crop operation property where a research crop is not
26 maintained is guilty of the following:

27 a. For a violation of subsection 1, paragraph "a", the
28 following:

29 (1) A class "C" felony if the damage to crops or crop
30 operation property exceeds fifty thousand dollars.

31 (2) A class "D" felony if the damage to crops or crop
32 operation property exceeds ten thousand dollars but does not
33 exceed fifty thousand dollars.

34 (3) An aggravated misdemeanor if the damage to crops or
35 crop operation property exceeds five thousand dollars but does

1 not exceed ten thousand dollars.

2 (4) A serious misdemeanor if the damage to crops or crop
3 operation property exceeds five hundred dollars but does not
4 exceed five thousand dollars.

5 (5) A simple misdemeanor if the damage to crops or crop
6 operation property does not exceed five hundred dollars.

7 b. For a violation of subsection 1, paragraph "b", the
8 person is guilty of an aggravated misdemeanor.

9 c. For a violation of subsection 1, paragraph "c", the
10 person is guilty of a serious misdemeanor.

11 5. a. This section does not prohibit any conduct of a
12 person holding a legal interest in a crop operation that is
13 superior to the interest held by a person suffering from
14 damages resulting from the conduct.

15 b. This section does not apply to a governmental agency
16 that is taking lawful action against a crop or crop operation
17 property.

18 EXPLANATION

19 This bill amends Code chapter 717A, which currently
20 includes one section, Code section 717A.1, which prohibits a
21 person from interfering with the operations of a facility used
22 to keep animals. The section specifically prohibits a person,
23 without the consent of the owner, to willfully destroy
24 property of an animal facility, or injure an animal maintained
25 there. It prohibits such a person from exercising control
26 over an animal facility or an animal maintained there with
27 intent to deprive the animal facility of an animal or
28 property. It also prohibits a person from entering onto or
29 into an animal facility related to agricultural production,
30 educational or scientific purposes, or veterinary care, or
31 from remaining there, if the person has notice that the
32 facility is not open to the public and the person has an
33 intent to disrupt its operations. A person convicted under
34 the section is subject to a range of criminal penalties
35 ranging from a class "C" felony to a simple misdemeanor. A

1 person suffering damages resulting from a criminal violation
2 has a cause of action against the violator for an amount
3 equaling three times all actual and consequential damages plus
4 court costs and reasonable attorney fees.

5 Code section 717A.1 currently defines an animal broadly to
6 mean a warm-blooded or cold-blooded animal. It specifically
7 names a number of types of animals including livestock, fish,
8 and invertebrates. An animal facility is defined to include a
9 location where an animal is maintained for agricultural
10 production. Agricultural production is not defined.

11 The bill makes two fundamental changes. First it amends a
12 number of definitions relating to animal facilities. It
13 provides that an animal specifically includes pelt-bearing
14 mammals and honey bees. It also provides a definition for
15 agricultural production that refers to the maintenance of
16 agricultural animals, which the bill defines as an animal
17 maintained for its parts or products having commercial value
18 or any animal classified as part of the equine species.

19 Secondly, the bill prohibits persons from disrupting crop
20 operations. The provisions are similar to those applying to
21 animal facilities. The new provisions specifically apply to
22 land used as part of a crop operation.

23 The bill expands the scope of chapter 717A to include crops
24 maintained on crop operation property and crop operation
25 property. The bill defines "crop" to mean grain and forage
26 crops but also trees, shrubs, vines, berry plants, and
27 greenhouse plants that are maintained on crop operation
28 property. "Crop operation property" means a crop field,
29 orchard, nursery, greenhouse, garden, elevator, seedhouse,
30 barn, warehouse, or a vehicle used to transport the crop. The
31 bill also provides for research produced for purposes of
32 scientific research regarding the study or alteration of its
33 genetic characteristics (either through conventional breeding
34 or biotechnology). The bill follows the provisions applying
35 to animals in the current law by prohibiting persons from

1 disrupting research crop operations or destroying crops.

2 The bill prohibits a person acting without the consent of
3 the owner from willfully destroying a crop or crop operation
4 property. The bill prohibits a person from exercising control
5 over a crop or crop operation property with an intent to
6 deprive the owner of the crop or crop operation property.

7 Finally, the bill prohibits a person from entering onto or
8 remaining on crop operation property, if the person has notice
9 that the property is not open to the public, and the person
10 has an intent to disrupt the operation or destroy the crop.

11 The criminal penalties are different based on whether the
12 offense relates to research crops and related operations or
13 other crops and related operations. For the offense of
14 willful destruction of crops or crop operation property, a
15 person is subject to a range of penalties ranging from a
16 simple misdemeanor (imprisonment for not more than 30 days and
17 a fine of \$50 to \$500) to a class "C" felony (imprisonment of
18 not more than 10 years and a fine of \$1,000 to \$10,000), based
19 on the dollar amount of the damages. The schedule for
20 criminal penalties is different based on whether a research
21 crop operation or other crop operation is involved. For the
22 offense of exercising control over a crop or crop operation
23 property, a person is subject to a class "D" felony
24 (imprisonment of not more than five years and a fine of
25 between \$750 to \$7,500) if it involves a research crop
26 operation, and an aggravated misdemeanor (imprisonment of not
27 more than two years and a fine of between \$500 to \$5,000) if
28 it is another type of crop operation. For the offense of
29 entering onto or remaining on crop operation property with an
30 intent to disrupt agricultural operations or destroy a crop, a
31 person is guilty of an aggravated misdemeanor if it involves a
32 research crop operation or a serious misdemeanor (imprisonment
33 of not more than one year and a fine of \$250 to \$1,500) if it
34 does not.

35 The bill provides for a private right of action by a person

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

15 For both animal facilities and research crop operations,
16 the bill's provisions do not apply to activities involving law
17 enforcement activities.

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SENATE FILE 456**S-3233**

1 Amend Senate File 456 as follows:

- 2 1. Page 3, line 23, by inserting after the word
3 "crop" the following: "; or storing, planting, or
4 nurturing the crop's seed".
- 5 2. Page 3, line 34, by inserting after the words
6 "a crop" the following: ", including the crop's
7 seed,".
- 8 3. Page 4, line 20, by inserting after the word
9 "destroy" the following: "or damage".
- 10 4. Page 4, line 30, by inserting after the word
11 "crops." the following: "A person is presumed to
12 intend disruption, if the person moves, removes, or
13 defaces any sign posted on the crop operation property
14 or label used by the owner and the sign or label
15 identifies a crop maintained on the crop operation
16 property."
- 17 5. Page 4, line 31, by inserting after the word
18 "Destroy" the following: "or damage".
- 19 6. Page 6, by striking lines 4 through 19 and
20 inserting the following: "person is guilty of
21 criminal mischief as provided in section 716.1, and
22 commits the same class of offense as provided in
23 sections 716.3 through 716.6 based on the amount of
24 damage to the research crop or crop operation property
25 where the research crop is maintained."
- 26 7. By striking page 6, line 28 through page 7,
27 line 6, and inserting the following: "person is
28 guilty of criminal mischief as provided in section
29 716.1, and commits the same class of offense as
30 provided in sections 716.3 through 716.6 based on the
31 amount of damage to the crop or crop operation
32 property where the crop is maintained."

By SANDRA GREINER

S-3233 FILED MARCH 26, 2001

ADOPTED

(p. 827)

**SENATE FILE 456
FISCAL NOTE**

The estimate for **Senate File 456** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 456 changes the definitions relating to interference with animal facilities and agricultural production. The Bill prohibits persons from destroying property of an animal facility or from injuring animals maintained there. The Bill prohibits persons from disrupting research crop operations. The Bill specifies the penalties for persons interfering with animal facilities or research crops. Penalties can vary from a Class C felony to a simple misdemeanor.

ASSUMPTIONS

1. Under Section 717A.1, Code of Iowa, a person is prohibited from willfully destroying property of an animal facility or injuring animals in an animal facility. During FY 2002, there were no convictions under this Section.
2. The marginal cost per day for State prison is \$16 per offender. The average length of stay for a Class C felony is 41.2 months, the average length of stay for a Class D felony is 25.1 months, the average length of stay for an aggravated misdemeanor is 9.5 months, and the average length of stay for a serious misdemeanor is four months in a Community-Based Correctional program and a minimum of two months of parole. A simple misdemeanor may serve up to 30 days in a residential Community-Based Correctional program, however, it is unlikely.
3. The marginal cost per day for probation or parole is \$1.55 per offender. The average length of parole or probation for a Class C felony is 30 months, for a Class D felony is 29 months, and an aggravated misdemeanor is 19 months.
4. The median cost for attorney and paralegal time per case for a Class C felony is \$1,200, for a Class D felony is \$1,000, for an aggravated misdemeanor is \$1,000, a serious misdemeanor is \$750, and a simple misdemeanor is \$200.
5. Court costs vary by type of offense charged. Trial costs for a Class C or D felony range from \$2,900 to \$5,100. Trial costs for an aggravated misdemeanor range from \$170 to \$3,700. Trial costs for a serious misdemeanor range from \$170 to \$3,000. Trial costs for a simple misdemeanor range from \$50 to \$500. These costs include expenses for the Clerk of Court, court attendant, court reporter, juries, and judges; i.e., Magistrates, District Associate Judges, and District Court Judges.

PAGE 2 , FISCAL NOTE, SENATE FILE 456

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CORRECTIONAL IMPACT

The number of convictions under Senate File 456 is unknown. However, the correctional impact is expected to be minimal.

FISCAL IMPACT

Due to insufficient information, a reliable estimate for Senate File 456 cannot be determined. However, the following cost estimates would apply for each person convicted under the following offenses:

Class C Felony:	\$6,700 to \$8,900
Class D Felony:	6,000 to 8,200
Aggravated Misdemeanor:	2,300 to 5,900
Serious Misdemeanor:	1,200 to 3,900
Simple Misdemeanor:	250 to 700

SOURCES

Department of Agriculture and Land Stewardship
Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1470SV, DPK)

FILED MARCH 19, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR