

No. 2001-27

AN ACT

HB 1492

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedures) of the Pennsylvania Consolidated Statutes, further providing for agricultural vandalism; and providing for the criminal offense of agricultural crop destruction and for relief for agricultural crop destruction.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3309(c) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3309. Agricultural vandalism.

* * *

(c) Definition.—As used in this section, the terms “agricultural activity” and “farming” [mean] *include public and private research activity, records, data and data-gathering equipment related to agricultural products as well as* the commercial production of agricultural crops, livestock or livestock products, poultry or poultry products, *trees and timber products*, milk, eggs or dairy products, or fruits or other horticultural products.

Section 2. Title 18 is amended by adding a section to read:

§ 3310. *Agricultural crop destruction.*

(a) *Offenses defined.*—A person commits a felony of the second degree if he intentionally and knowingly damages any field crop, vegetable or fruit plant or tree that is grown, stored or raised for scientific or commercial purposes or for any testing or research purpose in conjunction with a public or private research facility or a university or any Federal, State or local government agency.

(b) *Restitution; costs and fees.*—Any person convicted of violating this section shall, in addition to any other penalty imposed, be sentenced to pay the owner of the damaged field crops, vegetable or fruit plants or trees restitution, attorney fees and court costs. Restitution shall be in an amount equal to the cost of the financial damages incurred as a result of the offense, including the following:

(1) *Value of the damaged crop.*

(2) *Disposal of the damaged crop.*

(3) *Cleanup of the property.*

(4) *Lost revenue for the aggrieved owner of the damaged crop.*

(c) *Exceptions.*—The provisions of this section shall not apply to field crops, vegetable or fruit plants or trees damaged through research or normal commercial activity.

Section 3. Title 42 is amended by adding a section to read:

§ 8313. Agricultural crop destruction.

(a) Civil action and relief available.—An aggrieved owner of damaged field crops, vegetable or fruit plants or trees raised for scientific or commercial purposes or for any testing or research purpose in conjunction with a public or private research facility or a university or any Federal, State or local government agency may, in a civil action in any court of competent jurisdiction, obtain appropriate relief, including compensatory and punitive damages, reasonable investigative expenses and reasonable attorney fees and other costs associated with the litigation. Upon a showing of cause for the issuance of injunctive relief, a court may issue temporary restraining orders, preliminary injunctions and permanent injunctions as may be appropriate. During any period that an action under this section is pending, a court may order the cessation of the activity forming the basis of the complaint.

(b) Valuations.—In awarding damages under this section, the courts shall consider the market value of the field crops, vegetable or fruit plants or trees prior to damage and production, research, testing, replacement and crop development costs directly related to the crop that has been damaged as part of the value of the crop as well as damage to any records, data and data-gathering equipment or devices.

(c) Limitations.—Damages recovered under this section shall be limited to treble the market value of the field crops, vegetable or fruit plants or trees prior to damage and actual damages involving production, research, testing, replacement and development costs directly related to the crop that has been damaged.

(d) Exceptions.—The provisions of this section shall not apply to field crops, vegetable or fruit plants or trees damaged through research or normal commercial activity.

Section 4. This act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE