

1 SB271  
2 46149-3  
3 By Senators Clay, Preuitt, Lipscomb, Means, Lindsey, Biddle,  
4 Dial, Lee, Waggoner, French, Marsh, Langford, Figures, and  
5 McClain  
6 RFD: Health  
7 First Read: 15-JAN-2002

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Enrolled, An Act,

To enact the "Farm Animal, Crop, and Research Facilities Protection Act"; to prohibit unauthorized possession, alteration, or destruction of scientific research, education, agricultural production of or involving animals and crops; to provide for penalties, restitution, and temporary restraining orders and injunctions for violations; and to specifically repeal Sections 13A-11-151 to 13A-11-154, inclusive, Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be known and cited as the "Farm Animal, Crop, and Research Facilities Protection Act."

Section 2. As used in this act, the following terms shall have the following meanings:

(1) ANIMAL. Every living creature, domestic or wild, with the exception of man and animals used for illegal gaming purposes.

(2) ANIMAL OR CROP FACILITY. Any facility engaging in scientific research, education, or agricultural production of or involving the use of animals or crops including any

1 organization with the primary purpose of representing  
2 livestock or crop production or processing; any organization  
3 with a primary purpose of promoting or marketing livestock or  
4 crops; any organization with a primary purpose of promoting or  
5 marketing livestock or crop products or materials; any person  
6 licensed to practice veterinary medicine; any person licensed  
7 to apply chemical applications not limited to pesticides,  
8 insecticides, rodenticides, or herbicides; any organization  
9 with a primary purpose of representing any of the above; the  
10 owner, operator, and employees of any animal or crop facility;  
11 and any vehicle, building, greenhouse, structure, laboratory,  
12 pasture, field, paddock, pond, impoundment, or premises where  
13 animals or crops are located.

14 (3) COMMISSIONER. The Commissioner of Agriculture  
15 and Industries for the State of Alabama.

16 (4) CROPS. Any shrub, vine, tree, seedling, shoot,  
17 slip, or other plant undergoing experimentation or otherwise  
18 capable of producing food, fiber, lawful or legal medicines,  
19 nursery stock, floral products, or aesthetic beauty.

20 (5) PERSON. A human being, and where appropriate, a  
21 public or private corporation, an unincorporated corporation,  
22 a partnership, a government or a governmental instrumentality,  
23 or a private organization, association, coalition, federation,  
24 and its officers or spokespersons.

1           Section 3. It shall be unlawful for any person to do  
2 any of the following:

3           (1) Intentionally release, steal, destroy, demolish,  
4 obliterate, or otherwise cause loss of any animal or crop from  
5 an animal or crop facility without the consent of the owner.

6           (2) Damage, vandalize, or steal any property on or  
7 from an animal or crop facility.

8           (3) Obtain access to an animal or crop facility by  
9 false pretenses for the purpose of performing acts not  
10 authorized by that facility.

11           (4) Break and enter into any animal or crop facility  
12 with the intent to destroy, alter, duplicate, or obtain  
13 unauthorized possession of records, data, materials,  
14 equipment, animals, or crops.

15           (5) Knowingly obtain control by theft or deception  
16 that is unauthorized, or to exert control that is unauthorized  
17 over any records, data, materials, equipment, animals, or  
18 crops of any animal or crop facility for the purpose of  
19 depriving the rightful owner or facility of records,  
20 materials, data, equipment, animals, or crops.

21           (6) Possess or use records, materials, data,  
22 equipment, crops, or animals in any way to copy or reproduce  
23 records or data of an animal or crop facility knowing or  
24 reasonably believing that the records, materials, data,  
25 equipment, crops, or animals have been obtained by theft or

1 deception, or without authorization of the rightful owners or  
2 administrators of the animal or crop facility.

3 (7) Enter or remain on an animal or crop facility  
4 with the intent to commit an act prohibited under this  
5 section.

6 Section 4. Any person who violates Section 3 of this  
7 act shall be guilty of a Class C felony if the loss is two  
8 hundred fifty dollars (\$250) or more. Any person who violates  
9 Section 3 of this act shall be guilty of a Class A misdemeanor  
10 if the loss is less than two hundred fifty dollars (\$250).

11 Section 5. Any person convicted of a violation of  
12 this act shall also be required by the court to make  
13 restitution of two times the value of the animal or crop  
14 damaged, destroyed, or lost to the owner or operator of the  
15 animal or crop facility for any reasonable costs of replacing  
16 materials, data, equipment, animals, crops, and records that  
17 may have been damaged, destroyed, lost, or cannot be returned,  
18 and reasonable cost of repeating any experimentation that may  
19 have been interrupted or invalidated as a result of any  
20 violation of this act.

21 Section 6. Notwithstanding any remedy available at  
22 law, any owner or operator of an animal or crop facility may  
23 apply to the circuit court of the county where the animal or  
24 crop facility is located for a temporary restraining order and

1 an injunction to restrain any person, organization, or  
2 association from committing any violation of this act.

3 Section 7. For purposes of enforcing the provisions  
4 of this act, the commissioner may do all of the following:

5 (1) Investigate any offense under this act.

6 (2) Seek the assistance of any law enforcement  
7 agency of the United States, the state, or any local  
8 government in the conduct of any investigations.

9 (3) Coordinate any investigation, to the maximum  
10 extent practicable, with the investigations of any law  
11 enforcement agency of the United States, the state, or any  
12 local government.

13 Section 8. Although this bill would have as its  
14 purpose or effect the requirement of a new or increased  
15 expenditure of local funds, the bill is excluded from further  
16 requirements and application under Amendment 621 because the  
17 bill defines a new crime or amends the definition of an  
18 existing crime.

19 Section 9. The provisions of this act are severable.  
20 If any part of this act is declared invalid or  
21 unconstitutional, that declaration shall not affect the part  
22 which remains.

23 Section 10. This act shall not be construed to  
24 repeal any other criminal except as expressly provided in this  
25 act. Whenever conduct prescribed by any provision of this act

1 is also prescribed by any other provision of law, the  
2 provision which carries the more serious penalty shall apply.

3 Section 11. Sections 13A-11-151 to 13A-11-154,  
4 inclusive, Code of Alabama 1975, are specifically repealed.

5 Section 12. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB271

Senate 19-FEB-2002  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

McDowell Lee  
Secretary

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House of Representatives  
Amended and passed 11-APR-2002

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Senate concurred in House amendment 16-APR-2002

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By: Senator Clay