

IN THE SENATE

SENATE BILL NO. 1298

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AGRICULTURE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 18-7042, IDAHO CODE, TO PROVIDE FOR THE CRIME
3 OF INTERFERENCE WITH AGRICULTURAL PRODUCTION, TO DEFINE TERMS, TO PRO-
4 VIDE FOR VIOLATIONS AND PENALTIES AND TO PROVIDE FOR RESTITUTION; PRO-
5 VIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 70, Title 18, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 18-7042, Idaho Code, and to read as follows:

11 18-7042. INTERFERENCE WITH AGRICULTURAL PRODUCTION. (1) A person com-
12 mits the crime of interference with agricultural production if the person
13 knowingly:

14 (a) Is not employed by an agricultural production facility and enters
15 an agricultural production facility by force, threat, misrepresenta-
16 tion or trespass;

17 (b) Obtains records of an agricultural production facility by force,
18 threat, misrepresentation or trespass;

19 (c) Obtains employment with an agricultural production facility by
20 force, threat, or misrepresentation with the intent to cause economic
21 or other injury to the facility's operations, livestock, crops, owners,
22 personnel, equipment, buildings, premises, business interests or cus-
23 tomers;

24 (d) Enters an agricultural production facility and, without the facil-
25 ity owner's express consent or pursuant to judicial process or statu-
26 tory authorization, makes audio or video recordings of the conduct of an
27 agricultural production facility's operations; or

28 (e) Intentionally causes physical damage or injury to the agricultural
29 production facility's operations, livestock, crops, personnel, equip-
30 ment, buildings or premises.

31 (2) For purposes of this section:

32 (a) "Agricultural production" means activities associated with the
33 production of agricultural products for food, fiber, fuel and other
34 lawful uses and includes without limitation:

35 (i) Construction, expansion, use, maintenance and repair of an
36 agricultural production facility;

37 (ii) Preparing land for agricultural production;

38 (iii) Handling or applying pesticides, herbicides or other chem-
39 icals, compounds or substances labeled for insects, pests, crops,
40 weeds, water or soil;

41 (iv) Planting, irrigating, growing, fertilizing, harvesting or
42 producing agricultural, horticultural, floricultural and viti-

1 cultural crops, fruits and vegetable products, field grains,
2 seeds, hay, sod and nursery stock, and other plants, plant prod-
3 ucts, plant byproducts, plant waste and plant compost;

4 (v) Breeding, hatching, raising, producing, feeding and keep-
5 ing livestock, dairy animals, swine, furbearing animals, poultry,
6 eggs, fish and other aquatic species, and other animals, animal
7 products and animal byproducts, animal waste, animal compost, and
8 bees, bee products and bee byproducts;

9 (vi) Processing and packaging agricultural products, including
10 the processing and packaging of agricultural products into food
11 and other agricultural commodities;

12 (vii) Manufacturing animal feed;

13 (viii) Transporting agricultural products to or from an agricul-
14 tural facility;

15 (ix) Selling agricultural products at a farmers or roadside mar-
16 ket.

17 (b) "Agricultural production facility" means any structure or land,
18 whether privately or publicly owned, leased or operated, that is being
19 used for agricultural production.

20 (3) A person found guilty of committing the crime of interference with
21 agricultural production shall be guilty of a misdemeanor and shall be pun-
22 ished by a term of imprisonment of not more than one (1) year or by a fine not
23 in excess of five thousand dollars (\$5,000), or by both such fine and impris-
24 onment.

25 (4) In addition to any other penalty imposed for a violation of this
26 section, the court shall require any person convicted, found guilty or who
27 pleads guilty to a violation of this section to make restitution to the vic-
28 tim of the offense in accordance with the terms of section 19-5304, Idaho
29 Code. Provided however, that such award shall be in an amount equal to twice
30 the value of the damage resulting from the violation of this section.

31 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
32 to be severable and if any provision of this act or the application of such
33 provision to any person or circumstance is declared invalid for any reason,
34 such declaration shall not affect the validity of the remaining portions of
35 this act.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.