



Jill Rowland

Bill Analysis

Legislative Service Commission

Am. S.B. 147

124th General Assembly
(As Passed by the Senate)

Sens. Mumper, Ryan, Austria, Jacobson, Carnes, White, Randy Gardner, Harris, Spada, Shoemaker, DiDonato, Amstutz, Armbruster, Espy, Oelslager, Prentiss, Robert Gardner

BILL SUMMARY

- Prohibits anyone, without privilege to do so, from purposely damaging or destroying field crops, field crop products, timber, timber products, or livestock produced for specified purposes or any equipment, laboratory, or research used in or for the purposes of their production.
- Provides that violation is a misdemeanor of the first degree, and requires restitution for the damages.

CONTENT AND OPERATION

The bill prohibits any person, without privilege to do so, from purposely damaging or destroying any field crop, field crop product, timber, timber product, or livestock that is produced either for personal or commercial purposes or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government agency. In addition, the bill prohibits any person, without privilege to do so, from purposely damaging or destroying any equipment used in the production of, or any laboratory, research, or fixed equipment used to test or analyze the process of producing, any field crop, field crop product, timber, timber product, or livestock. (Sec. 901.511(A) and (B).)

Violation of either prohibition is a misdemeanor of the first degree (sec. 901.99). In addition, the court must order the violator to pay to the victim an amount equal to twice the value of the crop, crop product, timber, timber product, livestock, or equipment damaged or destroyed. When formulating the amount of the restitution, the court must consider as part of the value of the crop, crop product, timber, timber product, livestock, or equipment both its market value prior to the damage or destruction and production, research, testing, replacement,

and development costs directly related to the crop, crop product, timber, timber product, livestock, or equipment that has been damaged or destroyed. Restitution cannot exceed twice the market value prior to damage or destruction plus twice the actual damages involved in the production, research, testing, replacement, and development costs directly related to the damaged or destroyed crops, crop products, timber, timber products, livestock, or equipment. (Sec. 901.511(C).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-19-01	p. 824
Reported, S. Agriculture	10-11-01	p. 960
Passed Senate (32-0)	10-11-01	pp. 961-962

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