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**HOUSE BILL 1104**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Schmick, Wilcox, Haler, Robinson, and Buys

AN ACT Relating to creating the crime of interference with agricultural production; amending RCW 9.05.060; adding a new section to chapter 9.05 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 9.05 RCW to read as follows:

(1) A person commits the crime of interference with agricultural production if the person knowingly:

(a) Is not employed by an agricultural production facility and enters an agricultural production facility by theft, force, threat, misrepresentation, or trespass;

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

(c) Obtains employment with an agricultural production facility by force, threat, or misrepresentation with the intent to cause economic or physical injury to the facility's operations, real or personal property, personnel, or goodwill, including livestock, crops, owners, employees, personnel, equipment, buildings, premises, business interests, or customers;

(d) Enters an agricultural production facility that is not open to the public and, without the facility owner's express written consent or pursuant to judicial process or clear statutory authorization, makes audio or video recordings of the assets or conduct of an agricultural production facility's operations; or

(e) Intentionally causes economic or physical injury to the agricultural production facility's operations, real or personal property, personnel, or goodwill, including livestock, crops, owners, employees, equipment, personnel, buildings, premises, business interests, or customers.

(2) For purposes of this section:

(a) "Agricultural production" means activities associated with farm and agricultural land as defined in RCW 84.34.020 and includes without limitation:

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

(ii) Preparing land for agricultural production;

(iii) Handling or applying pesticides, herbicides, or other chemicals, compounds, or substances labeled for insects, pests, crops, weeds, water, or soil;

(iv) Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant by-products, plant waste, and plant compost;

(v) Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, furbearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal by-products, animal waste, animal compost, and bees, bee products, and bee by-products;

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

(vii) Manufacturing animal feed.

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

(3) A person found guilty of committing the crime of interference with agricultural production is guilty of a gross misdemeanor as defined in RCW 9A.20.021.

(4) If a person has caused economic or physical injury as a result of committing the crime of interference with agricultural production, upon conviction thereof, the court, in addition to imposing the fine authorized for the offense under RCW 9A.20.021, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the victim's loss from the commission of the crime.

**Sec.**  RCW 9.05.060 and 2003 c 53 s 7 are each amended to read as follows:

(1) Whoever acts in a manner that is not considered interference with agricultural production under section 1 of this act, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business or commercial enterprise, wherein any person is employed for wage, shall willfully damage or destroy, or attempt or threaten to damage or destroy, any property whatsoever, or shall unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.

(2) Criminal sabotage is a class B felony punishable according to chapter 9A.20 RCW.

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