
Public Safety Committee

HB 1104

Brief Description: Creating the crime of interference with agricultural production.

Sponsors: Representatives Schmick, Haler, Robinson and Buys.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates the crime of Interference with Agricultural Production as a gross misdemeanor offense.
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Hearing Date: 1/20/15

Staff: Yvonne Walker (786-7841).

Background:

Generally "agricultural production" means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production may also include the exhibiting or marketing of live animals raised for agricultural purposes.

In Washington joint and several liability for damages applies to persons and organizations that commit an intentional tort by taking, releasing, destroying or damaging any animal or animals kept by a person for agricultural production purposes or by a veterinarian for veterinary purposes; or by destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals. Any person or organization that plans or assists in the development of a plan to commit an intentional tort can be held liable and proportionally responsible for the claimant's injuries or damages.

Criminal Sabotage. A person commits Criminal Sabotage when he or she takes, damages, destroys, or attempts to damage or destroy, any piece of property with the intent to disrupt the management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other

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public or private business or commercial enterprise employing people for wages. Criminal sabotage is an unranked class B felony.

Aggravating and Mitigating Circumstances. Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that, in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides an illustrative, but nonexclusive, list of mitigating circumstances which the court may consider with regard to imposing an exceptional sentence below the standard range. The statute also provides an exclusive list of aggravating circumstances which the court may consider an aggravating circumstance or which a jury may consider in imposing an exceptional sentence above the standard range. One such aggravating factor that a court may consider is when it finds that the defendant committed an act with intent to obstruct or impair human or animal health care, agricultural or forestry research, or commercial production.

Gross Misdemeanor. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

Summary of Bill:

A new crime of Interference with Agricultural Production is created. A person commits Interference with Agricultural Production if he or she knowingly, with respect to an agriculture facility:

- is not employed by such a facility and enters the facility by theft, force, threat, misrepresentation, or trespass;
- obtains records of such facility by force, threat, misrepresentation, or trespass;
- obtains employment with such facility by force, threat, or misrepresentation with the intent to cause economic or physical injury to the facility's operations, property, personnel, or goodwill, including livestock, crops, owners, employees, personnel, equipment, buildings, premises, business interests, or customers;
- enters such facility that is not open to the public, without the facility owner's written consent or pursuant to judicial process or clear statutory authorization, and makes audio or video recordings of the assets or conduct of the facility's operations; or
- intentionally causes economic or physical injury to the facility's operations, property, personnel, or goodwill, including: livestock, crops, owners, employees, equipment, personnel, buildings, premises, business interests, or customers.

Acts considered Interference with Agricultural Production offenses are excluded from the Criminal Sabotage statute.

Interference with Agricultural Production is a gross misdemeanor offense. In addition, if a person has caused economic or physical injury as a result of committing the crime of Interference with Agricultural Production, courts are authorized to order a defendant to pay an amount, up to double the amount of the victim's loss from the commission of the crime.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.