

House Bill 170

By: Representatives Ray of the 128<sup>th</sup>, Floyd of the 138<sup>th</sup>, Purcell of the 147<sup>th</sup> and Holland of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,  
2 known as the "Georgia Farm Animal and Research Facilities Protection Act," so as to revise  
3 the "Georgia Farm Animal and Research Facilities Protection Act"; to enact the "Georgia  
4 Farm Animal, Crop, and Research Facilities Protection Act"; to change the short title of said  
5 article; to provide for definitions; to prohibit certain acts relating to crops and crop facilities;  
6 to provide for penalties; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 2 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, known as the  
10 "Georgia Farm Animal and Research Facilities Protection Act.", is amended by striking Code  
11 Section 4-11-30, relating to the short title of said article and inserting in its place the  
12 following:

13 "4-11-30.

14 This article shall be known and may be cited as the "Georgia Farm Animal, Crop, and  
15 Research Facilities Protection Act."

16

17 **SECTION 2.**

18 Said article is further amended by striking Code Section 4-11-31, relating to definitions, and  
19 inserting in its place the following:

20 "4-11-31.

21 As used in this article, the term:

22 (1) 'Actor' means a person accused of any of the offenses defined in Code Section  
23 4-11-32.

24 (2) 'Animal' means any warm or cold-blooded animal or insect which is being used in  
25 food or fiber production, agriculture, research, testing, or education, including, but not

1 limited to, hogs, equines, mules, cattle, sheep, ratites, goats, dogs, rabbits, poultry, fish,  
2 and bees. The term 'animal' shall not include any animal held primarily as a pet.

3 (3) 'Animal facility' includes any vehicle, building, structure, pasture, paddock, pond,  
4 impoundment, or premises where an animal is kept, handled, housed, exhibited, bred, or  
5 offered for sale and any office, building, or structure where records or documents relating  
6 to an animal or to animal research, testing, production, or education are maintained.

7 (4) 'Commissioner' means the Commissioner of Agriculture.

8 (5) 'Consent' means assent in fact, whether express or implied, by the owner or by a  
9 person legally authorized to act for the owner which is not:

10 (A) Induced by force, threat, false pretenses, or fraud;

11 (B) Given by a person the actor knows, or should have known, is not legally authorized  
12 to act for the owner;

13 (C) Given by a person who by reason of youth, mental disease or defect, or  
14 intoxication is known, or should have been known, by the actor to be unable to make  
15 reasonable decisions; or

16 (D) Given solely to detect the commission of an offense.

17 (5.1) 'Crop' shall mean any crops as defined in Code Section 1-3-3.

18 (5.2) 'Crop facility' means any field, building, greenhouse, structure, or premises where  
19 crops are grown or offered for sale and any office, building, or structure where records,  
20 documents, or electronic data relating to crops or crop research, testing, production, or  
21 education are maintained.

22 (6) 'Deprive' means unlawfully to withhold from the owner, interfere with the possession  
23 of, free, or dispose of an animal or other property.

24 (7) 'Owner' means a person who has title to the property, lawful possession of the  
25 property, or a greater right to possession of the property than the actor.

26 (8) 'Person' means any individual, corporation, association, nonprofit corporation,  
27 joint-stock company, firm, trust, partnership, two or more persons having a joint or  
28 common interest, or other legal entity.

29 (9) 'Possession' means actual care, custody, control, or management.

30 (10) 'Property' means any real or personal property and shall include any document,  
31 record, research data, paper, or computer storage medium.

32 (11) 'State' means the State of Georgia."

### 33 SECTION 3.

34 Said article is further amended by striking Code Section 4-11-32, relating to prohibited acts,  
35 and inserting in its place the following:

1 "4-11-32.

2 (a)(1) A person commits an offense if, without the consent of the owner, the person  
3 acquires or otherwise exercises control over an animal facility, an animal from an animal  
4 facility, or other property from an animal facility with the intent to deprive the owner of  
5 such facility, animal, or property and to disrupt or damage the enterprise conducted at the  
6 animal facility.

7 (2) A person commits an offense if, without the consent of the owner, the person  
8 acquires or otherwise exercises control over a crop facility, a crop from a crop facility,  
9 or other property from a crop facility with the intent to deprive the owner of such facility,  
10 crop, or property and to disrupt or damage the enterprise conducted at the crop facility.

11 (b)(1) A person commits an offense if, without the consent of the owner, the person  
12 damages or destroys an animal facility or damages, frees, or destroys any animal or  
13 property in or on an animal facility with the intent to disrupt or damage the enterprise  
14 conducted at the animal facility and the damage or loss thereto exceeds \$500.00.

15 (2) A person commits an offense if, without the consent of the owner, the person  
16 damages or destroys a crop facility or damages or destroys any crop or property in or on  
17 a crop facility with the intent to disrupt or damage the enterprise conducted at the crop  
18 facility and the damage or loss thereto exceeds \$500.00.

19 (c)(1) A person commits an offense if, without the consent of the owner, the person  
20 damages or destroys an animal facility or damages, frees, or destroys any animal or  
21 property in or on an animal facility and the damage or loss thereto is \$500.00 or less or  
22 enters or remains on an animal facility with the intent to disrupt or damage the enterprise  
23 conducted at the animal facility, and the person:

24 (A) Had notice that the entry was forbidden;

25 (B) Knew or should have known that the animal facility was or had closed to the  
26 public; or

27 (C) Received notice to depart but failed to do so.

28 (2) For purposes of this subsection 'notice' means:

29 (A) Oral or written communication by the owner or someone with actual or apparent  
30 authority to act for the owner;

31 (B) The presence of fencing or other type of enclosure or barrier designed to exclude  
32 intruders or to contain animals; or

33 (C) A sign or signs posted on the property or at the entrance to the building, reasonably  
34 likely to come to the attention of intruders, indicating that entry is forbidden.

35 (c.1)(1) A person commits an offense if, without the consent of the owner, the person  
36 damages or destroys a crop facility or damages or destroys any crop or property in or on  
37 a crop facility and the damage or loss thereto is \$500.00 or less or enters or remains on

1 a crop facility with the intent to disrupt or damage the enterprise conducted at the crop  
 2 facility, and the person:

3 (A) Had notice that the entry was forbidden;

4 (B) Knew or should have known that the crop facility was or had closed to the public;

5 or

6 (C) Received notice to depart but failed to do so.

7 (2) For purposes of this subsection 'notice' means:

8 (A) Oral or written communication by the owner or someone with actual or apparent  
 9 authority to act for the owner; or

10 (B) A sign or signs posted on the property or at the entrance to the building, reasonably  
 11 likely to come to the attention of intruders, indicating that entry is forbidden.

12 (d) This Code section shall not apply to, affect, or otherwise prohibit actions taken by the  
 13 Department of Agriculture, any other federal, state, or local department or agency, or any  
 14 official, employee, or agent thereof while in the exercise or performance of any power or  
 15 duty imposed by law or by rule and regulation."

#### 16 **SECTION 4.**

17 Said article is further amended by striking Code Section 4-11-33, relating to penalties, and  
 18 inserting in its place the following:

19 "4-11-33.

20 (a) A person convicted of any of the offenses defined in subsections (a) and (b) of Code  
 21 Section 4-11-32 shall be guilty of a felony and, upon conviction, shall be punished by a  
 22 fine not to exceed \$10,000.00 or by imprisonment for a term not to exceed three years, or  
 23 both.

24 (b) Any person violating subsection (c) or (c.1) of Code Section 4-11-32 shall be guilty  
 25 of a misdemeanor."

#### 26 **SECTION 5.**

27 All laws and parts of laws in conflict with this Act are repealed.