

**HOUSE . . . . . No. 01838**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Paul Schmid, III*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to agricultural crop and property destruction

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PETITION OF:

NAME:

*Paul Schmid, III*

DISTRICT/ADDRESS:

*8th Bristol*

# HOUSE . . . . . No. 01838

By Representative Mr. Schmid of Westport, petition (accompanied by bill, House, No. 01838) of Schmid for legislation to impose a penalty for the destruction of crops and agricultural property. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 1676 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to agricultural crop and property destruction

□.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 242 of the General Laws, as appearing in the 2000 Official Edition, is  
2 hereby amended by inserting after section 7A thereof the following new section:Section 7B.  
3 Field crop product and agricultural property destruction.(a) Any person who, without permission  
4 of the owner, willfully and intentionally removes, damages, or destroys a field crop product and  
5 agricultural property situated on the land of another shall be liable to the owner of such product  
6 in tort.(b) A party recovering judgment under this section shall be entitled to an award of  
7 damages in an amount up to, but not greater than, three times the amount assessed for the  
8 removal, damage or destruction of the farm crop product and agricultural property, plus attorney

9 fees and litigation costs. In assessing damages under this subsection, the courts shall consider the  
10 market value of the field crop product and agricultural property prior to its removal, damage or  
11 destruction, and all costs directly related to the production, research, testing, replacement and  
12 development of the field crop product and agricultural property.(c) Damages awarded under this  
13 section shall not limit remedies available under chapter 266 or under any other applicable local,  
14 state or federal laws.(d) Liability under this section shall not apply to any federal, state or local  
15 government agency, including the department of agricultural resources, or to any employee of  
16 any such agency acting in the course of their employment.(e) For purposes of this section, a  
17 “field crop product” shall mean any product of the soil that is grown in the context of a research  
18 or product development program in conjunction or coordination with a private research facility  
19 or a university or any federal, state or local governmental agency or any crop produced for  
20 commercial purposes on an agricultural operation as defined by M.G.L. chapter 128 Section 1A.

21 (f) For purposes of this section, an “agricultural property” shall mean any implement of  
22 husbandry, structure used for the conveyance of water, or structure used in the production,  
23 growing, processing of field crop products or keeping and raising of livestock.