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HOUSE BILL 1104

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Schmick and Wilcox

Prefiled 01/09/15.

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

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

5       NEW SECTION.   **Sec. 1.**   A new section is added to chapter 9.05 RCW  
6       to read as follows:

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

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

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

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

20      (d) Enters an agricultural production facility that is not open  
21      to the public and, without the facility owner's express written

1 consent or pursuant to judicial process or clear statutory  
2 authorization, makes audio or video recordings of the assets or  
3 conduct of an agricultural production facility's operations; or

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

9 (2) For purposes of this section:

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

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

15 (ii) Preparing land for agricultural production;

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

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

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

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

32 (vii) Manufacturing animal feed.

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

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

39 (4) If a person has caused economic or physical injury as a  
40 result of committing the crime of interference with agricultural

1 production, upon conviction thereof, the court, in addition to  
2 imposing the fine authorized for the offense under RCW 9A.20.021, may  
3 order the defendant to pay an amount, fixed by the court, not to  
4 exceed double the amount of the victim's loss from the commission of  
5 the crime.

6 **Sec. 2.** RCW 9.05.060 and 2003 c 53 s 7 are each amended to read  
7 as follows:

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

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

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