

<p>Kansas “Farm Animal and Field Crop and Research Facilities Protection Act” (1990)</p>	<p>ALEC “Animal and Ecological Terrorism Act” (2004)</p>
<p>7-1825. Short title</p> <p>This act shall be known and may be cited as the farm animal and field crop and research facilities protection act.</p>	<p>Summary</p> <p>Section 1. {Short Title} This act shall be known as The Animal Ecological Terrorism Act.</p>
<p>47-1826. Definitions</p> <p>As used in this act:</p> <p>(a) “Animal” means any warm or coldblooded animal used in food, fur or fiber production, agriculture, research, testing or education and includes dogs, cats, poultry, fish and invertebrates.</p>	<p>Section 2. {Definitions}</p> <p>A. "Animal" means any warm-blooded or cold-blooded animal lawfully confined for food, fur, or fiber production, agriculture and its related activities, research, testing, education or wildlife.</p> <p>B. “Animal activities” means any activity involving the use of animals or animal parts to include hunting, fishing, trapping, traveling, camping, production, preparation or processing of food or food products, clothing or garment manufacturing, medical or other research, entertainment, recreation, retail, agriculture, biotechnology, or any other services involving the use of animals, including the sale of any products therein.</p>
<p>(b) “Animal facility” includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.</p>	<p>C. "Animal facility" includes a vehicle, building, structure, research facility, nature preserve or other premises where an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, to include a zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.</p> <p>D. “Animal or ecological terrorist organization” means any association, organization, entity, coalition, or combination of two or more persons</p>

	<p>with the primary or incidental purpose of supporting any {optional language insert “politically motivated”} activity through intimidation, coercion, force, or fear that is intended to obstruct, impede or deter any person from participating in a lawful animal activity, animal facility, research facility, or the lawful activity of construction, mining, foresting, harvesting, gathering or processing natural resources.</p>
<p>(c) “Consent” means assent in fact, whether express or apparent.</p> <p>(d) “Deprive” means to:</p> <p>(1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;</p> <p>(2) restore the animal or other property only upon payment of reward or other compensation; or</p> <p>(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.</p>	<p>E. "Consent" means agreement in fact, whether express or apparent. Absence of either verbal or nonverbal communication shall not be construed to fall under this definition.</p> <p>F. “Ecological” means the relationship between organisms and their environment.</p>
<p>(e) “Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if:</p> <p>(1) Induced by force or threat;</p> <p>(2) given by a person the offender knows is not legally authorized to act for the</p>	<p>G. "Effective consent" means consent by the owner or by a person legally authorized to act for the owner. Absence of either verbal or nonverbal communication shall not be construed fall under this definition. Consent is not effective if it is:</p> <p>(1) induced by force or threat;</p> <p>(2) given by a person that the offender knows or reasonable should have known</p>

owner; or	is not an agent for the owner; or
(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.	(3) given by a person who by reason of youth, mental disease or defect, or being under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.
	<p>H. "Natural resource" means a material source of wealth, such as timber, fresh water, or a mineral deposit, that occurs in a natural state and has economic value.</p> <p>I. "Notice" means:</p> <p>(1) oral or written communication by the owner or someone with apparent authority to act for the owner;</p> <p>(2) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or</p> <p>(3) a sign or signs posted on the property or at the entrance to a building that are reasonably likely to come to the attention of intruders and that indicate that entry is forbidden.</p>
(f) "Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.	<p>J. "Owner" means a person who has:</p> <p>(1) title to the property; or</p> <p>(2) lawful possession of the property.</p>
(g) "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest or other legal entity.	<p>K. "Person" means an individual, governmental unit, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, limited liability company, two or more persons having a joint or common interest, or some other legal entity.</p>
(h) "Possession" means actual care,	L. "Possession" means actual care,

<p>custody, control or management.</p> <p>(i) "Research facility" means any place, laboratory, institution, medical care facility, elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal or field crop product is carried out, conducted or attempted.</p>	<p>custody, control, or management.</p> <p>M. "Research facility" means a place, laboratory, institution, medical care facility, government facility, elementary school, high school, college, university, or nature preserve at which a scientific test, experiment, or investigation involving the use of animals or other ecological organisms is lawfully carried out, conducted, or attempted.</p> <p>N. {Optional language insert "Politically motivated" means any activity where the principle purpose is to influence a unit of government to take a specific action or to persuade the public to take specific action, or to protest the actions of a unit of government, corporation, organization or the public at large.}</p>
<p>47-1827. Prohibited acts; criminal penalties</p> <p>(a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.</p>	<p>Section 3. {Prohibited Acts}</p> <p>A. An animal or ecological terrorist organization or any person acting on its behalf or at its request or for its benefit or any individual whose intent to commit the activity was {optional language insert "politically motivated"} is prohibited from:</p> <p><snip>(a) damaging or destroying an animal or research facility, or other property in or on the premises;</snip></p>
<p>(b) No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or</p>	<p>1. Depriving the owner of an animal or natural resource from participating in an</p>

<p>property and to damage the enterprise conducted at the animal facility.</p>	<p>animal or natural resource activity by:</p> <p>(a) obstructing the lawful use of an animal, natural resource or other property from the owner permanently or for such a period of time that a significant portion of the value or enjoyment of the animal, natural resource or property is lost to the owner by way of coercion, fear, intimidation, or property damage.</p> <p>(b) taking or detaining the animal, natural resource or other property and agree to restore it only upon reward or other compensation; or</p> <p>(c) disposing of an animal, natural resource or other property or to so alter its condition or usefulness that the value of the animal, natural resource or other property is substantially reduced.</p> <p>2. Obstructing or impeding the use of an animal facility or the use of a natural resource without the effective consent of the owner by:</p> <p>(a) damaging or destroying an animal or research facility, or other property in or on the premises; [see <snip> above]</p>
<p>(c) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:</p> <p>(1) Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;</p> <p>(2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility;</p>	<p>(b) entering an animal or research facility that is at the time closed to the public;</p> <p>(c) remaining concealed in an animal or research facility with the intent to commit an act prohibited by this chapter;</p>

<p>(3) enter an animal facility and commit or attempt to commit an act prohibited by this section; or</p> <p>(4) enter an animal facility to take pictures by photograph, video camera or by any other means.</p>	<p>(d) entering an animal or research facility and committing or attempting to commit an act prohibited by this chapter;</p> <p>(e) entering an animal or research facility to take pictures by photograph, video camera, or other means with the intent to commit criminal activities or defame the facility or its owner:</p>
<p>(d)(1) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:</p> <p>(A) Had notice that the entry was forbidden; or</p> <p>(B) received notice to depart but failed to do so.</p> <p>(2) For purposes of this subsection (d), "notice" means:</p> <p>(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;</p> <p>(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or</p> <p>(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.</p> <p>(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop</p>	<p>(f) entering or remaining on the premises of an animal or research facility if the person or organization:</p> <p>(i) had notice that the entry was forbidden; or,</p> <p>(ii) received notice to depart but failed to do so.</p> <p>3. Participating in or supporting animal or ecological terrorism to include raising, soliciting, collecting or providing any person with material, financial support or other resources such as lodging, training, safe houses, false documentation or identification, communications, equipment or transportation that will be used in whole or in part, to encourage, plan, prepare, carry out, publicize, promote or aid an act of animal or ecological terrorism, the concealment of, or an escape from, an act of animal or ecological terrorism.</p>

<p>product, damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.</p> <p>(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.</p>	<p style="text-align: center; color: blue; font-size: 2em; transform: rotate(-15deg); opacity: 0.5;">Center for Media and Democracy</p>
<p>(g)(1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of \$25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least \$1,000 but less than \$25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than \$1,000 or is of the value of \$1,000 or more and is damaged to the extent of less than \$1,000.</p> <p>(2) Violation of subsection (b) is a severity level 10, nonperson felony.</p> <p>(3) Violation of subsection (c) is a class A, nonperson misdemeanor.</p> <p>(4) Violation of subsection (d) or (f) is a</p>	<p>[<snip>] A. A person that violates the Animal and Ecological Terrorism Act and that results in \$500 or less in physical damage or destruction of property shall be guilty of a {enter appropriate high degree misdemeanor} and fined not more than {insert appropriate dollar amount} or be imprisoned in the county jail for a term not to exceed {insert appropriate time period}, or both.</p> <p>B. A person that violates the Animal and Ecological Terrorism Act and that results in more than \$500 in physical damage or destruction of property shall be guilty of a {enter appropriate low degree felony} and fined not more than {insert appropriate dollar amount} or be imprisoned in the state prison for a term not to exceed {insert appropriate time period}, or both.</p> <p>C. Any person convicted of or that pleads guilty to violating the Animal and Ecological Terrorism Act and such</p>

<p>class B nonperson misdemeanor.</p>	<p>activity intentionally or negligently results in bodily harm to any individual, the penalty classification shall be elevated one (1) degree. [Optional to make a distinction between penalties for intentional and negligent guilt, with stiffer penalty going [sic] to intentional act.] [</snip>]</p>
<p>(h) The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.</p>	<p>B. The provisions of this chapter do not apply to activities of a:</p> <ol style="list-style-type: none"> 1. Government agency or its employees who are carrying out their responsibilities under law or to lawful activities of a financial institution or other secured party; and 2. Humane animal treatment shelter or its employees whose primary purpose is the bona fide control or humane care of animals shelter [sic] when acting within the scope of their employment.
<p>47-1828. Recovery of damages</p> <p>(a) Any person who has been damaged by reason of a violation of K.S.A. 47-1827, and amendments thereto may bring an action in the district court against the person causing the damage to recover:</p> <p>(1) An amount equal to three times all actual and consequential damages. Actual and consequential damages shall include the damages involving production, research, testing, replacement and crop or animal development costs directly related to the field crop or animal that has been</p>	<p>Section 4. {Damages and Penalties}</p> <p>[Penalties section located here in ALEC "model" has been moved up next to the section in the Kansas statute.]</p> <p>D. A person who has been damaged by a violation of the Animal and Ecological Terrorism Act may bring against the person who caused the damage an action in {enter name of appropriate court} court to recover:</p> <ol style="list-style-type: none"> 1. an amount equal to three times all economic damages to include the cost of lost or damaged property, records, the cost of repeating an interrupted or invalidated experiment, loss of profits or other consequential damages; and

<p>damaged or destroyed; and</p> <p>(2) court costs and reasonable attorney fees.</p> <p>(b) Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of K.S.A. 47-1827, and amendments thereto.</p>	<p>2. court costs and reasonable attorney fees.</p>
	<p>Section 5. {Terrorist Registry} There is hereby created the registry of animal and ecological terrorists. A person who is convicted of or pleads guilty to an act that violates any section of the Animal and Ecological Terrorism Act shall be registered with the Attorney General on a form prescribed by the Attorney General. The registry shall contain the name, a current residence address, a recent photograph and signature of the offender. The offender is required to provide written notice to the Attorney General regarding any change in name or residence address within thirty (30) days of making the change. The Attorney General shall create a website containing the information set forth in this paragraph for each person who is convicted or pleads guilty to a violation of this Act. Information regarding an offender shall remain on the website for no less than three (3) years at which time the registrant may apply to the Attorney General for removal after a hearing on the application for removal.</p>

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