

1 AN ACT concerning agriculture.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Farm Animal and Agricultural Crop and Research Facilities
6 Protection Act.

7 Section 5. Definitions. As used within this Act, the
8 following terms have the following meanings:

9 "Actual and consequential damages" include damages
10 involving production, research, testing, replacement, and
11 crop or animal development costs directly related to the
12 agricultural field crop or animal that has been damaged or
13 destroyed.

14 "Animal" means any warm-blooded or cold-blooded animal
15 that is used for food, fur, or fiber production, agriculture,
16 research, testing, or education and includes dogs, cats,
17 poultry, fish, swine, livestock, and invertebrates.

18 "Animal facility" includes any vehicle, building,
19 structure, research facility, or premises where an animal is
20 kept, housed, handled, exhibited, bred, raised, or offered
21 for sale or purchase.

22 "Consent" means assent in fact, whether express or
23 apparent.

24 "Deprive" means to withhold an animal or other property
25 from the owner permanently or for such an extended period of
26 time that a major portion of the value or enjoyment of the
27 animal or property is lost to the owner.

28 "Effective consent" includes consent by a person legally
29 authorized to act for the owner. Consent is not deemed to be
30 effective if:

31 (1) induced by force or threat;

1 (2) given by a person the offender knows is not
2 legally authorized to act for the owner; or

3 (3) given by a person who by reason of youth,
4 mental disease or defect, or the influence of a drug or
5 alcohol is known by the offender to be unable to make a
6 reasonable decision.

7 "Notice" means:

8 (1) oral or written communication by the owner or
9 someone with apparent authority to act for the owner;

10 (2) fencing or other enclosure obviously designed
11 to exclude intruders or to contain animals; or

12 (3) a sign or signs posted on the property or at
13 the entrance to the building, reasonably likely to come
14 to the attention of intruders, indicating that entry is
15 forbidden.

16 "Owner" means a person who has title to the property,
17 possession of the property, whether lawful or otherwise, or a
18 greater right to possession of the property than the actor in
19 question.

20 "Person" means any individual, state agency, corporation,
21 association, nonprofit corporation, joint stock company,
22 firm, trust, partnership, 2 or more persons having a joint or
23 common interest, or other legal entity.

24 "Possession" means the actual care, custody, control, or
25 management.

26 "Research facility" means any place, laboratory,
27 institution, medical care facility, elementary school,
28 secondary school, or public or private college or university
29 at which any scientific test, experiment, or investigation
30 involving the use of any living animal or agricultural crop
31 product is carried out, conducted, or attempted.

32 Section 10. Prohibitions.

33 (a) No person shall, without the effective consent of

1 the owner and with the intent to damage the enterprise
2 conducted at an animal facility, damage or destroy an animal
3 facility or any animal or property on an animal facility.

4 (b) No person shall, without the effective consent of
5 the owner, acquire or otherwise exercise control over an
6 animal facility, an animal from an animal facility, or other
7 property from an animal facility, with the intent to deprive
8 the owner of that facility, animal, or property and to damage
9 the enterprise conducted at the animal facility.

10 (c) No person shall, without the effective consent of
11 the owner and with the intent to damage the enterprise
12 conducted at the animal facility:

13 (1) enter an animal facility, not then open to the
14 public, with the intent to commit an act prohibited by
15 this Section;

16 (2) remain concealed, with intent to commit an act
17 prohibited by this Section, in an animal facility;

18 (3) enter an animal facility and commit or attempt
19 to commit an act prohibited by this Section; or

20 (4) enter an animal facility to take pictures by
21 photograph, video camera, or by any other means.

22 (d) No person shall, without the effective consent of
23 the owner and with the intent to damage the enterprise
24 conducted at the animal facility, enter or remain on an
25 animal facility if the person:

26 (1) had notice that the entry was forbidden; or

27 (2) received notice to depart but failed to do so.

28 (e) No person shall, without the effective consent of
29 the owner and with the intent to damage or destroy the
30 agricultural field crop product, damage or destroy any
31 agricultural field crop product that is grown for sale for
32 profit or in the context of a product development program in
33 conjunction or coordination with a private research facility,
34 public or private college or university, or any federal,

1 state, or local government agency.

2 (f) No person shall, without the effective consent of
3 the owner, enter any property with the intent to damage,
4 destroy, or hinder future crop yields that are grown for sale
5 for profit or in the context of a product development program
6 in conjunction or coordination with a private research
7 facility, public or private college or university, or any
8 federal, state, or local government agency.

9 Section 15. Penalties.

10 (a) Violation of subsection (a), (e), or (f) of Section
11 10 is a Class 3 felony, if the facility, animals,
12 agricultural field crop product, or property that is damaged
13 or destroyed has a value of \$20,000 or more.

14 (b) Violation of subsection (a), (e), or (f) of Section
15 10 is a Class A misdemeanor, if the facility, animals,
16 agricultural field crop product, or property that is damaged
17 or destroyed has a value of \$5,000 or more but less than
18 \$20,000.

19 (c) Violation of subsection (a), (e), or (f) of Section
20 10 is a Class C misdemeanor, if the facility, animals,
21 agricultural field crop product, or property that is damaged
22 or destroyed has a value of less than \$5,000.

23 (d) Violation of subsection (b) of Section 10 is a Class
24 A misdemeanor.

25 (e) Violation of subsection (c) or (d) is a Class B
26 misdemeanor.

27 The provisions of this Section do not, in any manner,
28 apply to lawful activities of any governmental agency or
29 employees or agents thereof carrying out their duties as
30 prescribed by law.

31 Section 20. Damages.

32 (a) Any person who sustains damages by reason of a

1 violation of this Act may bring a private cause of action
2 against the person causing the damage to recover:

3 (1) an amount equal to triple the amount of all
4 actual and consequential damages; and

5 (2) all court costs and reasonable attorney fees.

6 (b) Nothing in this Act shall be construed as affecting
7 any other right of a person who has sustained damages by
8 reason of a violation of this Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.