

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 906

PRINTER'S NO. 2121

AMOUNT

No Fiscal Impact

FUND

General

DATE INTRODUCED

June 5, 2010

PRIME SPONSOR

Senator Folmer

HISTORY OF BILL

Referred to AGRICULTURE AND RURAL AFFAIRS, June 5, 2009

Reported as amended, June 30, 2010

First consideration, June 30, 2010

Laid on the table, July 3, 2010

Removed from table, Sept. 20, 2010

Second consideration, Sept. 21, 2010

Re-referred to APPROPRIATIONS, Sept. 21, 2010

Re-reported as committed, Sept. 22, 2010

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 906 amends Title 3 (Agriculture) and Title 18 (Crimes and Offenses) by defining the term "agricultural biosecurity area" and establishing a new criminal offense for an agricultural biosecurity trespasser.

The bill defines "agricultural biosecurity area" as "any of the following areas that have been identified by posted notice as a bio-security area where the owner or other authorized person has established procedures to inhibit the transference of transmissible disease or hazardous substance: (1) Agricultural or other open lands. (2) Building or animal or plant containment area fenced or enclosed designed and constructed to exclude trespassers or to confine domestic animals or plants used in research or agricultural activity or farming." It also authorizes the Department of Agriculture to require that such an area be established to control or contain disease and that it be clearly posted.

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The bill specifies that to commit an offense of agricultural biosecurity area trespasser a person must knowingly enter an agricultural biosecurity area, or knowingly or recklessly fail to perform posted biosecurity measures. It makes it a misdemeanor of the third degree to knowingly enter an agricultural biosecurity area without authorization and a summary offense to enter without performing posted biosecurity measures. If the offenses cause damage or death to an animal or plant within the agriculture biosecurity area, it requires the penalty be graded as a misdemeanor of the first degree. The bill provides a defense against prosecution for the offense if a person knowingly or recklessly fails to perform posted biosecurity measures under the following circumstances: there are no means to perform the measures necessary to enter the biosecurity area; entry is in response to a threat to animal or human health; and, entry is by law enforcement to apprehend a suspect or prevent destruction of evidence.

The bill also provides for the act of agricultural biosecurity trespasser to be considered ecoterrorism if the crime is committed for the purpose of releasing a dangerous transmissible disease or hazardous substance.

The act is scheduled to take effect immediately.

FISCAL IMPACT:

The number of individuals who commit the new criminal offense contained in this legislation is expected to be minimal and should not require either the Commonwealth or Counties to expend additional resources related to incarceration or supervision of offenders. In addition, revenues from fines will likely be negligible.