

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 531

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS; AMENDING CHAPTER 70,  
2 TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7043, IDAHO  
3 CODE, TO PROHIBIT CERTAIN ACTS REGARDING AGRICULTURAL FACILITIES AND  
4 OPERATIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO CLARIFY THAT  
5 SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO LIMIT A COURT'S POWER TO  
6 ORDER RESTITUTION OR TO LIMIT CIVIL ACTIONS AND REMEDIES AND TO PROVIDE  
7 FOR SEVERABILITY.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 70, Title 18, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 18-7043, Idaho Code, and to read as follows:

13 18-7043. INTENTIONAL BREACH OF BIOSECURITY. (1) It is unlawful for a  
14 person to knowingly commit any of the following acts in the state of Idaho  
15 with the intent to damage, poison or infect the crops, livestock, products  
16 or facilities of an agricultural facility or agricultural operation as de-  
17 fined in section 22-4502, Idaho Code, without the knowledge and consent of  
18 the owner of the agricultural facility or agricultural operation:

19 (a) Release or spread any type of contagious, communicable or infec-  
20 tious disease or poison;

21 (b) Attempt to release or spread any type of contagious, communicable  
22 or infectious disease or poison;

23 (c) Aid, abet or conspire with another person to release or spread any  
24 type of contagious, communicable or infectious disease or poison.

25 (2) Any person or persons violating any provision of this section shall  
26 be:

27 (a) Guilty of a misdemeanor when the damage to the crops, livestock,  
28 products or consumers of such products, agricultural facility or agri-  
29 cultural operation itself is one thousand dollars (\$1,000) or less;

30 (b) Guilty of a felony and upon conviction thereof shall be punished by  
31 a term of imprisonment of not more than twenty (20) years or by a fine not  
32 in excess of ten thousand dollars (\$10,000), or by both such fine and im-  
33 prisonment, when the value of the damage to the crops, livestock, prod-  
34 ucts or consumers of such products, agricultural facility or agricul-  
35 tural operation itself is in excess of one thousand dollars (\$1,000).

36 (3) Nothing in this section shall be construed to limit the court's  
37 power to order restitution equal to the extent of the damage suffered to the  
38 crops, livestock, products or consumers of such products, agricultural fa-  
39 cility or agricultural operation.

40 (4) Nothing in this section shall be construed to limit an agricultural  
41 facility or agricultural operation from proceeding in a civil action to seek  
42 any lawful civil remedy.

1           (5) The provisions of this section are hereby declared severable and  
2 if any provision of this section or the application of such provision to any  
3 person or circumstances is declared invalid for any reason, such declaration  
4 shall not affect the validity of the remaining portions of this section.