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CHAPTER 21.

FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

**SECTION 47‑21‑10.** Short title.

This chapter may be cited as the Farm Animal and Research Facilities Protection Act.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑20.** Definitions.

As used in this chapter:

(1) "Actor" means a person accused of any of the offenses defined in this chapter.

(2) "Animal" means a warm or cold‑blooded animal used in food or fiber production, agriculture, research, testing, or education, including poultry, fish, and insects.

(3) "Animal facility" includes a vehicle, building, structure, or premises where an animal is kept, tested, handled, housed, exhibited, bred, or offered for sale and includes a research facility where research or testing on animals is conducted.

(4) "Consent" means assent in fact, whether express or apparent.

(5) "Deprive" means:

(a) to withhold an animal or other property from the owner permanently or for such an extended time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

(b) to restore the animal or other property only upon payment for reward or other compensation; or

(c) to dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(6) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(a) induced by force, threat, false pretenses, or fraud;

(b) given by a person the actor knows is not legally authorized to act for the owner;

(c) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

(d) given solely to detect the commission of an offense.

(7) "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.

(8) "Person" means an individual, corporation, association, nonprofit corporation, joint‑stock company, firm, trust, partnership, two or more persons having a joint or common interest, or other legal entity.

(9) "Possession" means actual care, custody, control, or management.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑30.** Offense of unauthorized acquisition or control over animal facility or animal or property thereof; intent.

A person commits an offense if, without the effective consent of the owner, the person acquires or otherwise exercises 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 the facility, animal, or property, and to disrupt or damage the enterprise conducted at the animal facility.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑40.** Offense of damage to or destruction of animal facility or animal or property thereof; intent.

A person commits an offense if, without the effective consent of the owner, the person damages or destroys an animal facility or an animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑50.** Offense of unauthorized entry or concealed presence; attempt to commit prohibited act.

A person commits an offense if, without the effective consent of the owner and with the intent to disrupt or damage the enterprise conducted at the animal facility, the person:

(1) enters an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

(2) remains concealed, with intent to commit an act prohibited by this section, in an animal facility; or

(3) enters an animal facility and commits or attempts to commit an act prohibited by this section.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑60.** Offense of unauthorized entry or presence with notice to leave or not to enter; what constitutes notice.

(A) A person commits an offense if, without the effective consent of the owner, the person enters or remains in an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:

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

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

(B) For purposes of this section, "notice" means:

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

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

(3) 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.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑70.** Inapplicability to official acts of government employees or agencies.

This chapter does not apply to, affect, or otherwise prohibit actions taken by the Department of Agriculture, any other federal, state, or local department or agency, or an official or employee of these entities while in the exercise or performance of a power or duty imposed by law or regulation.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992.

**SECTION 47‑21‑80.** Violations; penalties.

(A) A person violating Sections 47‑21‑30, 47‑21‑40, and 47‑21‑50 is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both.

(B) A person violating Section 47‑21‑60 is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 1993 Act No. 184, Section 102, eff January 1, 1994.