

*1999 DRAFTING REQUEST***Bill**Received: **02/24/2000**Received By: **olsenje**Wanted: **Soon**

Identical to LRB:

**For: Steve Kestell (608) 266-8530**By/Representing: **Andy,ARC**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**Extra Copies: **MGD****Pre Topic:**

No specific pre topic given

**Topic:**

Unauthorized release of animals

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
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Jacket "1" for  
 Assembly  
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## The Oregonian

THE FULL STORY

# Lawmakers target eco-terrorism

*Two Oregon House members propose to punish offenders under the state's racketeering law*

Wednesday, February 16, 2000

*By Bryan Denson of The Oregonian staff*

Two Oregon lawmakers, supported by Attorney General Hardy Myers, have drafted a bill that would make repeat eco-terrorism punishable under the state's racketeering statute.

The proposal -- authored by Rep. Bob Jenson, R-Pendleton, and Rep. Lane Shetterly, R-Dallas -- would add crimes against agricultural enterprises, research laboratories and livestock operations to the state's Racketeer Influenced and Corrupt Organization Act.

The RICO statute, designed to combat criminal organizations, would stiffen penalties for persistent sabotage of such businesses as cattle ranches, logging sites, research labs and fur farms.

"So often, these acts of vandalism and destruction of property and interference with legal . . . activity are not isolated incidents committed by one person acting alone," Shetterly said. "These acts are committed to further a plan of attack against a particular target, or make a political statement."

Since 1996, groups such as the Animal Liberation Front and the Earth Liberation Front have taken credit for or been named as leading suspects in seven major crimes in Oregon, including six arsons. Damage from those strikes -- aimed at logging, mink

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ranching, food production and wilderness development -- has totaled more than \$13 million.

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Persistent vandalism of such operations has plagued Oregon's natural resource businesses for two decades.

Jenson and Shetterly, who represent rural districts, hope that boosting punishment for those crimes will deter organized groups of saboteurs.

People who commit arson and other violent crimes typically face stiff prison terms. But if they vandalize or steal from research facilities, logging operations or livestock businesses in Oregon, they face misdemeanor or lesser felony charges, which carry maximum penalties of one to five years in prison and \$5,000 to \$100,000 in fines.

If the Legislature adds the vandalism and theft crimes to the RICO statute, people who commit two or more of the crimes within five years could be charged with Class A felonies punishable by up to 20 years in prison and a \$300,000 fine.

"They're nuts if they think more penalties are going to deter animal liberation activists," said David Barbarash, a spokesman for the Animal Liberation Front, recognized by the FBI and Royal Canadian Mounted Police as a single-issue terrorist group.

The ALF steals animals and sabotages fur farms and other enterprises out of compassion for living creatures, he said. "Why don't you just make it a life sentence? It doesn't make any difference to animal activists."

The same for radical environmentalists, said veteran activist Jim Flynn of Southern Willamette Earth First.

"I think this is just typical of the way our society works," he said. "They try to (add) more laws and more jails and police instead of looking at the root problem -- why people take such extreme measures. They are already risking their liberty."

Shetterly said the bill, to be filed before the Legislature convenes in January 2001, would have no impact on legal protests or demonstrations on behalf of environmental and animal-rights causes.

“There’s a point at which you cross the line from being an advocate to being a criminal,” Shetterly said. “And it’s when people cross that line that we want a law in place to deal with them appropriately.”

Jenson began to conceptualize the eco-terrorism bill last September, when 36 men building an incinerator at Hermiston’s Umatilla Chemical Depot inhaled an unidentified substance and fell ill. He wondered whether environmentalists opposed to incinerating liquid nerve and mustard gases might have been involved. The exact cause remains under investigation by the FBI and the U.S. Army.

Later that month, Jenson and Shetterly read a four-part series on eco-terrorism in *The Oregonian*. The newspaper documented 100 major arsons, bombings and other acts of sabotage in 11 Western states since 1980. Damages from those crimes totaled \$42.8 million -- two thirds of which occurred in the preceding four years.

Concerned about this escalation, the lawmakers drafted their bill and passed it to the attorney general’s office. Chief counsel Chuck Pritchard reviewed it and, in a Jan. 17 memo to Myers, wrote that the law would give the authorities greater sanctions to reduce the crimes.

“Eco-terrorism is becoming a major criminal issue in the Northwest,” Pritchard wrote. “Groups like the Animal Liberation Front and Earth First have caused significant property damage in this state and elsewhere. The FBI has expanded its efforts against these groups in an attempt to make a meaningful impact on them.”

Shetterly had hoped to get a law on the books before eco-terrorists made a significant strike against his constituents.

But on Christmas Day, the Earth Liberation Front struck again. The group set fire to Boise Cascade Corp.’s timber management office in Monmouth, a \$1 million blaze in the heart of Shetterly’s district.

“It confirmed we were dealing with a real problem,” he said.



Rep. Lane Shetterly  
H-385 State Capitol  
Salem, OR 97310  
503/986-1434  
503/986-1130 Fax

# Fax

Jefren E. Olsen

From: Kate Richardson for Rep. Lane Shetterly

Fax: 608/264-8522

Pages: 7, including cover sheet

Phone: 608/266-8906

Date: February 23, 2000

Re: Eco-terrorism bill draft (LC 62)

CC:

**Comments:**

This is a rough draft copy of the Legislative Counsel draft for this bill. It was drafted before the new Oregon Revised Statutes were completed, so there may be some minor changes. It will, however, answer your substantive questions.

As mentioned in the email response, this bill will not be introduced until January 2001, when the 71<sup>st</sup> Legislative Assembly commences.

**OFFICE OF THE LEGISLATIVE COUNSEL**  
**S101 State Capitol**  
**Salem, Oregon 97310-0630**

**November 3, 1999**

To: Bill Taylor, Counsel, Judiciary Committee

From: Virginia R. Vanderbilt, Senior Deputy **Legislative Counsel**

Subject: LC 62

*Virginia*

Enclosed is the **draft** you requested that adds several crimes to the definition of **racketeering** activity for purposes of ORICO.

As indicated on the **draft**, this is a rough draft and must remain so until we have completed the ORS editing process. **ORS 166.715 was amended by two** measures last session: section 8, chapter 722, Oregon **Laws** 1999, and section 4, chapter 878, Oregon Laws 1999. Each amendment added new crimes to the list of racketeering activity. Those new crimes appear as ORS 168.715 (6) (a)(WW) and (XX) in the draft, but until editing is completed I **do** not know for certain that the placement in ORS 166.715 or the citations in **(WW)** and **(XX)** will remain as shown in the **draft**.

Similarly, the citation to ORS 164.887 in **(YY)** is not cast in stone until editing is completed. ORS 164.887 is the number that has been given to section 1, chapter 694, Oregon Laws 1999, and although I **do** not believe it will change, that isn't a certainty:

In addition, any master copy corrections that **may** be made in ORS 166.715 during the editing process are not reflected in this draft.

So, the upshot of **all** of this is that this rough draft **can be** used for discussion purposes but we will need to draft the **final** version after editing is **complete** and the new version of ORS is in our retrieval **database**.

Encl.

VRV:ps  
LC 62  
TAYLOR WL0062 CORRES



LC 62  
 Rough Draft  
 11/3/99 (VV/ps)

# D R A F T

## SUMMARY

Expands definition of racketeering activity.

## A BILL FOR AN ACT

1 **Relating** to racketeering; amending ORS 166.715.

2 **Be It Enacted by the People of the State of Oregon:**

3 SECTION 1. ORS 166.715 is amended to read:

4 **166.715.** As used in ORS 166.715 to X6.735, unless the context requires  
 5 **otherwise:**

6  
 7 . (1) "**Documentary** material" means any book, paper, document, writing,  
 8 drawing, graph, chart, photograph, phonograph record, magnetic tape, com-  
 9 puter printout, other data compilation **from** which information can be **ob-**  
 10 **tained** or from which information can be translated into usable form, or  
 11 other tangible item

12 (2) "Enterprise" includes any individual, sole proprietorship, partnership,  
 13 corporation, business, trust or other profit or nonprofit legal entity, and **in-**  
 14 **cludes** any union, association or group of **individuals** associated in fact al-  
 15 though not a legal entity, and both illicit and licit enterprises and  
 16 governmental and **nongovernmental** entities.

17 (3) "Investigative agency" means the Department of Justice or any district  
 18 attorney.

19 (4) "Pattern of **racketeering** activity" means engaging in at least two in-  
 20 cidents of racketeering activity that have the same or similar intents, **re-**  
 21 **sults**, accomplices, victims or methods of commission or otherwise are  
 22 interrelated by distinguishing characteristics, including a nexus to the same  
 23 enterprise, and are not isolated incidents, provided at least one of such in-  
 24 cidents occurred **after November 1, 1981**, and that the last of such incidents

NOTE: Matter in boldfaced type in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted.  
 New sections are in boldfaced type.

LC 62 11/3/99

1 occurred within five years **after** a prior incident of racketeering activity.  
2 Notwithstanding **ORS** 131.505 to X31.525 or 419A.190 or any other provision  
3 of law providing that a previous prosecution is a bar to a subsequent prose-  
4 cution, conduct that constitutes an incident of racketeering activity may be  
5 used to establish a pattern of racketeering **activity** without regard to  
6 **whether** the conduct previously has been the **subject** of a **criminal** prose-  
7 cution or conviction or a juvenile court adjudication, unless the prosecution  
8 resulted in an acquittal or the adjudication resulted in entry of an order  
9 **finding** the youth not to be within the jurisdiction of the juvenile court.

10 (5) "Person" means any individual or entity capable **of** holding a **legal** or  
11 beneficial interest in real or personal property.

12 (6) "Racketeering **activity**" includes conduct of a person committed both  
13 before and after the person attains the age of 18 years, and **means to commit**,  
14 to attempt to commit, to conspire to commit, or to solicit, coerce or intim-  
15 idate another person to commit:

16 (a) **Any** conduct ~~that~~ constitutes a crime, as **defined** in ORS 161.515, under  
17 any of the following provisions of the Oregon Revised Statutes:

18 (A) ORS 59.605 to **59.451**, 59.660 to 59.830, 59.991 and **59.995**, relating to  
19 securities;

20 (B) ORS **162.015**, 162.025 and 162.065 to 162.035, relating to bribery and  
21 **perjury**;

22 (C) ORS 162.235, 162.265 to 162.305, X2.325, 162.335, 162.355 and 162.365,  
23 relating to obstructing governmental administration;

24 (D) **ORS** 162.495 to 162.425, relating to abuse of **public** office;

25 (E) **ORS** 162.465 **relating** to interference with legislative operation;

26 (F) **ORS** 163.095 to **163.115**, **163.118**, **163.125** and 163.145, relating to **crimi-**  
27 **nal** homicide;

28 (G) ORS U33.160 to 163.205, **relating** to assault and related offenses;

29 (H) ORS 163.225 and 163.235, relating to **kidnapping**;

30 (I) **ORS** 163.275, relating to coercion;

31 (J) ORS 163.670 to 163.695, relating to sexual **conduct** of **children**;

LC 02 11/3/99

1 (K) ORS 164.015, 164.043, **164.045**, 164.055, 164.057, 164.075 to **164.095**,  
2 **164.125, 164.135**, 164.140, **164.215**, 164.225 and 164% to 164.2'70, relating to  
3 **theft**, burglary, criminal trespass and related offenses;

4 (L) ORS 164.315 to 164.335, relating to arson and related offenses;

5 (M) ORS 164.345 to 164.365, relating to criminal mischief;

6 (N) ORS 164.395 to **164.415**, relating to robbery;

7 (O) ORS 164.865, **164.875** and 164.868 to 164.872, **relating to unlawful re-**  
8 **ording** or labeling of a **recording**;

9 (P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, **re-**  
10 **rating to forgery and related** offenses;

11 (Q) ORS 165.080 to **165.109**, relating to business and commercial offenses;

12 (R) ORS **165.485** to 165.515, 165.540 and 165.555, relating to **communication**  
13 **crimes**;

14 (S) ORS **166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410**, 166.450  
15 and 166.470, relating to **firearms** and **other** weapons;

16 (T) ORS 164.371 (2) to (4), as punishable under ORS **164.377** (5)(b), 167.00'7  
17 to 167.017, 167.062 to 167.080, 167.087, 167.090, **167.122** to 167.137, 167.147,  
18 167.164, 167.167, **167.212**, 167.355, 167.365 and 167.370, **relating** to prostitution,  
19 obscenity: **gambling**, computer crimes involving the Oregon State **Lottery**,  
20 animal **fighting** and related offenses;

21 (U) ORS 171.990, relating to legislative witnesses;

22 (V) ORS 260.5'75 and 260.665, relating to election offenses;

23 (W) ORS 314.075, relating to income tax;

24 (X) ORS chapter 323, relating to cigarette taxes;

25 (Y) ORS **411.630, 411.675**, 411.690 and 411.840, relating to public assistance  
26 payments, and ORS 411.990 (2) and (3);

27 (Z) ORS **462.140**, 462.415 and 462.420 to **462.520**, relating to racing;

28 (AA) ORS 463.995; relating to boxing and wrestling, as **defined** in ORS  
29 463.015;

30 (BB) ORS 471.305, 471.335 to 471.345, 471.360, 471.392 to 471.400, **471.403**,  
31 471.405, **471.425, 471.445, 471.485, 471.490** and 471.675, relating to **alcoholic li-**

LC b2 11/3/99

- 1 quor, and any of ~~the~~ provisions of **ORS** chapter 471 relating to licenses issued  
2 under the Liquor Control Act;
- 3 (CC) **ORS 475.005 to 475.285** and **475.940 to 475.995**, relating to controlled  
4 substances;
- 5 (DD) **ORS 480.070, 480.210, 480.215** and **480.235** to 480265, relating to **ex-**  
6 **plosives**;
- 7 (EE) **ORS 819.010, 819.040, 822.100, 822.135** and **822.150**, relating to motor  
8 vehicles;
- 9 (FF) **ORS 658.452 or 658.991 (2) to (4)**, relating to **farm** labor contractors;
- 10 (GG) **ORS chapter 706**, relating to banking law **administration**;
- 11 (HH) **ORS** chapter 714, relating to branch banking;
- 12 (II) **ORS** chapter 716, relating to mutual savings banks;
- 13 (JJ) **ORS** chapter 723, relating to credit unions;
- 14 (KK) **ORS** chapter 726, relating to pawnbrokers;
- 15 (LL) **ORS 166.382 and 166.364**, relating to destructive devices;
- 16 (MM) **ORS 165.074**;
- 17 (NN) **ORS 59.840 to 59.965**, relating to mortgage bankers and mortgage  
18 brokers;
- 19 (OO) **ORS** chapter 496,497 or **498**, relating to **wildlife**;
- 20 (PP) **ORS 163.355 to 163.427**, relating to sexual offenses;
- 21 (QQ) **ORS 166.015**, relating to riot;
- 22 (RR) **ORS 166.155 and 166.165**, relating to intimidation;
- 23 (SS) **ORS chapter 706**, relating to real estate and escrow;
- 24 (TT) **ORS** chapter **704**, relating to **outfitters** and guides;
- 25 (UU) **ORS 165.692**, relating to making a false claim for health care **pay-**  
26 **ment**;
- 27 (VV) **ORS 162117**, relating to public investment **fraud**;
- 28 (WW) **ORS 164.170 or 164.172**; [or]
- 29 (XX) **ORS 647.140, 647.145** or **647.150**, relating to trademark  
30 **counterfeiting**;
- 31 (YY) **ORS 164.887**; or

SB678  
Ch. 694

1 **(ZZ) ORS 167.312 and 167.388.**

2 **(b) Any conduct defined as "racketeering activity" under 18 U.S.C. 1961**  
3 **(1)(B), (C), (D) and (E).**

4 **(7) 'Unlawful debt' means any money or other thing of value constituting**  
5 **principal or interest of a debt that is legally unenforceable in the state in**  
6 **whole or in part because the debt was incurred or contracted:**

7 **(a) In violation of any one of the following:**

8 **(A) ORS chapter 462, relating to racing,**

9 **(B) ORS 167.117 to 167.164, relating to gambling; or**

10 **(C) ORS 82.010 to 82.170, relating to interest and usury.**

11 **(b) In gambling activity in violation of federal law or in the business of**  
12 **lending money at a rate usurious under federal or state law.**

13 **(8) Notwithstanding** contrary provisions **in** ORS 174.060, when **this** section  
14 **references** a statute **in** the Oregon. Revised Statutes that is **substantially**  
15 **different** in the nature of its essential provisions from what the statute was  
16 **when** this section was enacted, the reference shall **extend** to and **include**  
17 **amendments** to the statute.

18

**164.877 Unlawful tree spiking; unlawful possession of substance that can damage certain wood**

**processing equipment.** (1) A person commits the crime of unlawful tree spiking if the person knowingly drives or places in any tree or saw log, without the prior consent of the owner thereof, any iron, steel or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with intent to cause inconvenience, annoyance or alarm to any other person.

(2) Except as provided in subsection (3) of this section, unlawful tree spiking is a Class C felony.

(3) Unlawful tree spiking that results in serious physical injury to another person is a Class B felony.

(4) Any person who possesses, with the intent to use in violation of subsections (1) to (3) of this section, any iron, steel or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment is guilty of a Class A misdemeanor. [ 1989 c. 1003 ss.2,3]

**167.312 Research and animal interference.** (1) A person commits the crime of research and animal interference if the person knowingly does any of the following:

(a) Releases, steals or otherwise causes the death, injury or loss of any animal at or from an animal research facility, other than death, injury or loss incurred during or as the result of legitimate animal medical research and experimentation.

(b) Damages, vandalizes or steals any property in or on an animal research facility for the purpose of damaging, destroying or delaying animal medical research or experimentation.

(c) Obtains access to an animal research facility by misrepresentation for the purpose of performing acts not authorized by that facility.

(d) Enters an animal research facility to destroy, alter, duplicate or obtain unauthorized possession of records, data, materials, equipment or animals.

(e) Obtains or exerts unauthorized control over records, data, materials, equipment or animals of any animal research facility for the purpose of using, concealing, abandoning or destroying such records, data, materials, equipment or animals.

(f) Possesses or uses equipment or animals that the person reasonably believes have been obtained by theft or deception from an animal research facility or without the authorization of an animal research facility.

(2) For the purposes of this section, “animal research facility” means any facility engaging in legal scientific or agricultural research or teaching involving the use of animals.

(3) Research and animal interference is a Class C felony.

(4) In addition to any other penalty imposed for violation of this section, a person convicted of such violation is liable:

(a) To the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to commission of the acts constituting the violation;

(b) For damages to real and personal property caused by acts constituting the violation; and

(c) The costs of repeating an experiment, including the replacement of the animals, labor and materials, if acts

constituting the violation cause the failure of an experiment. [ 1991 c.843 s.2]

**167.387 Definitions for ORS 167.387 and 167.388.** As used in this section and ORS 167.388:

(1) "Livestock" has the meaning given in ORS 609.010.

(2) "Livestock production facility" means:

(a) Any facility or organization engaged in animal breeding, production or processing; or

(b) Any facility or institution whose primary purpose is to impound estray animals, as that term is defined in ORS 607.007. [1993 c.252 s.4]

**Note:** See note under 167.385.

**167.388 Interference with livestock production.** (1) A person commits the crime of interference with livestock production when the person:

(a) Knowingly or intentionally takes, appropriates, obtains or withholds livestock from the owner thereof, or causes the loss, death or injury of any livestock maintained at a livestock production facility;

(b) Damages, vandalizes or steals any property located on a livestock production facility;

(c) Enters a livestock production facility with an intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, materials or equipment and substances used in the breeding and production of livestock; or

(d) Obtains access to a livestock production facility under false pretenses for the purpose of performing any act contained in this subsection or any other act not authorized by the livestock production facility.

(2) The crime of interference with livestock production is:

(a) A Class C felony if damage to the facility is greater than \$2,500; and

(b) A Class A misdemeanor if there is no damage to the facility or if damage to the facility is less than \$2,500.

(3) Determination of damages to a livestock production facility shall be made by the court. In making its determination, the court shall consider the reasonable costs of:

(a) Replacing lost, injured or destroyed livestock;

(b) Restoring the livestock production facility to the approximate condition of the facility before the damage occurred; and

(c) Replacing damaged or missing records, data, material, equipment or substances used in the breeding and production of livestock.

(4) In addition to any criminal sanctions, if a defendant is convicted of the crime of interference with livestock production under subsection (1) of this section, the court shall order the defendant to pay restitution to the owner of the animal or the owner of the livestock production facility. [ 1993 c.252 ss.2,3]

**Note:** See note under 167.385.

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

Enrolled

Senate Bill 678

Sponsored by Senators FERRIOLI, GEORGE; Senators FISHER, NELSON, QUTUB, SHANNON, Representatives BUTLER, KROPF

CHAPTER .....

AN ACT

169-887?

*presumably*

Relating to agriculture.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) Except as provided in subsection (3) of this section, a person commits the offense of interference with agricultural operations if the person, while on the property of another person who is engaged in agricultural operations, intentionally or knowingly obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations.

(2) Interference with agricultural operations is a Class A misdemeanor.

(3) The provisions of subsection (1) of this section do not apply to:

(a) A person who is involved in a labor dispute as defined in ORS 662.010 with the other person; or

(b) A public employee who is performing official duties.

(4) As used in this section:

(a)(A) 'Agricultural operations' means the conduct of logging and forest management, mining, farming or ranching of livestock animals or domestic farm animals;

(B) 'Domestic farm animal' means an animal used to control or protect livestock animals or used in other related agricultural activities; and

(C) 'Livestock animals' has the meaning given that term in ORS 164.055.

(b) 'Domestic farm animal' and 'livestock animals' do not include stray animals. + }

-----



Enrolled Senate Bill 678 (SB 678-B)

Page 1

Passed by Senate June 7, 1999

.....  
Secretary of Senate

.....  
President of Senate

Passed by House June 15, 1999

.....  
Speaker of House

Enrolled Senate Bill 678 (SB 678-B)

Page 2

Received by Governor:

.....M.,....., 1999

Approved:

.....M.,.....I 1999

.....  
Governor

Filed in Office of Secretary of State:

.....M.,....., 1999

.....  
Secretary of State

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 2100

Senate Bill 678

Sponsored by Senators FERRIOLI, GEORGE; Senators FISHER, NELSON, QUTUB, SHANNON, Representatives BUTLER, KROPF

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates offense of interference with agricultural operations. Punishes by maximum imprisonment of five years, \$100,000 fine, or both.

A BILL FOR AN ACT

Relating to agriculture.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) As used in this section:

(a) 'Agricultural equipment' means any real or personal property or fixture used in logging, mining, ranching or farming;

(b) 'Agricultural operations' means the conduct of logging, mining, ranching or farming;

(c) 'Domestic farm animal' means an animal used to control or protect livestock animals or used in other related agricultural activities; and

(d) 'Livestock animals' has the meaning given that term in ORS 164.055.

(2) A person commits the offense of interference with agricultural operations if the person intentionally or knowingly does any of the following:

(a) Injures or attempts to injure domestic farm animals or livestock animals of another person who is engaged in agricultural operations;

(b) Damages or attempts to damage agricultural equipment used by another person engaged in agricultural operations; or

(c) Acts in a manner that would reasonably be expected to annoy, harass or disturb domestic farm animals or livestock animals of another person who is engaged in agricultural operations.

(3) Interference with agricultural operations is a Class C felony. + }

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70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

SA to SB 678

LC 2100/SB 678-3

SENATE AMENDMENTS TO  
SENATE BILL 678

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 28

Delete lines 4 through 20 of the printed bill and insert:

' { + SECTION 1. + } { + (1) A person commits the offense of interference with agricultural operations if the person intentionally or knowingly does any of the following on the property of another person:

' (a) Injures or attempts to injure domestic farm animals or livestock animals of another person who is engaged in agricultural operations;

' (b) Damages or attempts to damage agricultural equipment or products used or produced by another person who is engaged in agricultural operations;

' (c) Acts in a manner that would reasonably be expected to annoy, harass or disturb domestic farm animals or livestock animals of another person who is engaged in agricultural operations; or

' (d) Obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations.

' (2) Interference with agricultural operations is a Class C felony.

' (3) As used in this section:

' (a)(A) 'Agricultural equipment or products' means any real or personal property or fixture used or produced in logging and forest management, mining, ranching or farming, or any agricultural product, including trees;

' (B) 'Agricultural operations' means the conduct of logging and forest management, mining, ranching or farming;

' (C) 'Domestic farm animal' means an animal used to control or protect livestock animals or used in other related agricultural activities; and

' (D) 'Livestock animals' has the meaning given that term in ORS 164.055.

' (b) 'Domestic farm animal' and 'livestock animals' do not include stray animals. + }' .

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**REVENUE: No revenue impact**

**FISCAL: May have fiscal impact, hut no statement yet issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Judiciary  
by prior reference

**Vote:** 4 - 0 - 3

**Yeas:** Ferrioli, Fisher, Shannon, George

**Nays:**

**Exc.:** Corcoran, Dukes, Wilde

**Prepared By:** Brad Harper, Administrator

**Meeting Dates:** 3/18, 4/21

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**WHAT THE BILL DOES:** Creates offense of interference with agricultural operations. Punishes by maximum imprisonment of five years, \$100,000 fine, or both.

**ISSUES DISCUSSED:**

- Concern that a landowner trying to return stray livestock might be accused of harassment
- Increasing occurrences of ecoterrorists killing livestock
- Estimated that vandals cause \$5 million of damage annually to logging equipment
- Some protesters try to stop timber operations by purposely placing themselves in danger from falling trees

**EFFECT OF COMMITTEE AMENDMENTS:**

Clarify that agricultural operations include all forest management activities, not just logging. Specify that stray animals do not fall under the definition of domestic farm animals and livestock animals. Broaden offense of agricultural operations to include the act of, or attempt to, obstruct, impair, or hinder agricultural operations. Incorporate damage of agricultural crops, including trees, under offense of interference with agricultural operations.

**BACKGROUND:**

SB 678A creates the crime of interference with agricultural operations and defmes that crime as a Class C felony punishable by maximum imprisonment of five years, \$100,000 fine, or both. The bill prohibits persons **from** intentionally or knowingly injuring or attempting to injure domestic farm animals or livestock animals, or acting in a manner that would reasonably be expected to annoy, harass or disturb those animals. SB 678A also prohibits damage to real or personal property or fixtures used in logging, mining, ranching, or farming operations.

Current law addresses some, but not all, of the acts covered by SB 678A. Specifically, the following crimes are currently defined by statute:

- Criminal Mischief in the Second Degree (ORS 164.354) addresses intentional or reckless damage to the property of another where such damage exceeds \$100. Criminal Mischief in the Second Degree is a Class A misdemeanor.
- Criminal Mischief in the First Degree (ORS 164.365) addresses, in part, intentional damage to a livestock animal or intentional damage to the property of another where such damage exceeds \$500. Criminal Mischief in the First Degree is a Class C felony.
- Aggravated Animal Abuse in the First Degree (ORS 167.322) is the crime of intentionally killing or torturing any animal. Aggravated Animal Abuse in the First Degree is a Class C felony.

SB 678A expands on existing law by making it a crime for a person to intentionally or knowingly act in a manner that would reasonably be expected to annoy, harass or disturb domestic farms animals or livestock animals of another person who is engaged in agricultural operations.

04129199 12:46 PM

*This summary has not been adopted or officially endorsed by action of the committee.*

PRCS Form - 1999 Session

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

Action: Do Pass as Amended and Reported Engrossed

Vote: 5 - O - 2

Yeas: Brown, Burdick, Courtney, Nelson, Bryant

Nays: 0

Exc.: Duncan, Tamo

Prepared By: Bill Taylor, Counsel

Meeting Dates: 515.5126

**WHAT THE BILL DOES:** Creates the crime of interference with ‘agricultural operations’ when a person while on the property of another engaged in agricultural operations intentionally or knowingly obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations. Exempts labor disputes or a public employee who is performing his or her duties. Classifies the crime as a Class A misdemeanor. Defines “agricultural operations” as the conduct of logging and forest management, mining, ranching or farming.

**ISSUES DISCUSSED:**

- People are deliberately opening gates to let livestock out.

**EFFECT OF COMMITTEE AMENDMENTS:** Narrows the bill to those activities not currently covered by Oregon’s criminal law and that are intended by the perpetrators to intentionally hurt agricultural operations.

**BACKGROUND:** Current law addresses some but not all of the acts covered by SB 678A. The following crimes are currently defined by statute:

- Criminal Mischief in the Second Degree (ORS 164.354) addresses intentional or reckless damage to the property of another where such damage exceeds \$100. Criminal Mischief in the Second Degree is a Class A misdemeanor.
- Criminal Mischief in the First Degree (ORS 164.365) addresses, in part, intentional damage to a livestock animal or intentional damage to the property of another where such damage exceeds \$500. Criminal Mischief in the First Degree is a Class C felony.
- Aggravated Animal Abuse in the First Degree (ORS 167.322) is the crime of intentionally killing or torturing any animal. Aggravated Animal Abuse in the First Degree is a Class C felony.

05/28/99 3:09 PM

*This summary has not been adopted or officially endorsed by action of the committee.*

PRCS Form - 1999 Session

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 2100

A-Engrossed

Senate Bill 678

Ordered by the Senate April 28

Including Senate Amendments dated April 28

Sponsored by Senators FERRIOLI, GEORGE; Senators FISHER, NELSON, QUTUB, SHANNON, Representatives BUTLER, KROPF

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates offense of interference with agricultural operations. Punishes by maximum imprisonment of five years, \$100,000 fine, or both.

A BILL FOR AN ACT

Relating to agriculture.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) A person commits the offense of interference with agricultural operations if the person intentionally or knowingly does any of the following on the property of another person:

(a) Injures or attempts to injure domestic farm animals or livestock animals of another person who is engaged in agricultural operations;

(b) Damages or attempts to damage agricultural equipment or products used or produced by another person who is engaged in agricultural operations;

(c) Acts in a manner that would reasonably be expected to annoy, harass or disturb domestic farm animals or livestock animals of another person who is engaged in agricultural operations; or

(d) Obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations.

(2) Interference with agricultural operations is a Class C felony.

(3) As used in this section:

(a)(A) 'Agricultural equipment or products' means any real or personal property or fixture used or produced in logging and forest management, mining, ranching or farming, or any agricultural product, including trees;

(B) 'Agricultural operations' means the conduct of logging and forest management, mining, ranching or farming;

(C) 'Domestic farm animal' means an animal used to control or protect livestock animals or used in other related agricultural activities; and

(D) 'Livestock animals' has the meaning given that term in ORS 164.055.

(b) 'Domestic farm animal' and 'livestock animals' do not include stray animals. + }

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70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

SA to A-Eng. SB 678

LC 2100/SB 678-A5

SENATE AMENDMENTS TO  
A-ENGROSSED SENATE BILL 678

By COMMITTEE ON JUDICIARY

June 3

Delete lines 4 through 15 of the printed A-engrossed bill and insert:

' { + SECTION 1. + } (1) Except as provided in subsection (3) of this section, a person commits the offense of interference with agricultural operations if the person, while on the property of another person who is engaged in agricultural operations, intentionally or knowingly obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations.'

In line 16, delete 'C felony' and insert 'A misdemeanor'.

After line 16, insert:

' (3) The provisions of subsection (1) of this section do not apply to:

' (a) A person who is involved in a labor dispute as defined in ORS 662.010 with the other person; or

' (b) A public employee who is performing official duties.'

In line 17, delete '(3)' and insert '(4)'.  
Delete lines 18 through 20.

Delete lines 18 through 20.

In line 21, delete '(B)' and insert '(a)(A)'.  
In line 22, delete 'ranching or' and after 'farming' insert

'or ranching of livestock animals or domestic farm animals'.  
In line 23, delete '(C)' and insert '(B)'.  
In line 25, delete '(D)' and insert '(C)'.  
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In line 23, delete '(C)' and insert '(B)'.  
In line 25, delete '(D)' and insert '(C)'.  
-----

In line 25, delete '(D)' and insert '(C)'.  
-----

## 70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 2100

B-Engrossed

Senate Bill 678

Ordered by the Senate June 3

Including Senate Amendments dated April 28 and June 3

Sponsored by Senators FERRIOLI, GEORGE; Senators FISHER, NELSON, QUTUB, SHANNON, Representatives BUTLER, KROPF

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates offense of interference with agricultural operations. Punishes by maximum imprisonment of { - five years, \$100,000 - } { + one year, \$5,000 + } fine, or both.

## A BILL FOR AN ACT

Relating to agriculture.

Be It Enacted by the People of the State of Oregon:

SECTION 1. { + (1) Except as provided in subsection (3) of this section, a person commits the offense of interference with agricultural operations if the person, while on the property of another person who is engaged in agricultural operations, intentionally or knowingly obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations.

(2) Interference with agricultural operations is a Class A misdemeanor.

(3) The provisions of subsection (1) of this section do not apply to:

(a) A person who is involved in a labor dispute as defined in ORS 662.010 with the other person; or

(b) A public employee who is performing official duties.

(4) As used in this section:

(a)(A) 'Agricultural operations' means the conduct of logging and forest management, mining, farming or ranching of livestock animals or domestic farm animals;

(B) 'Domestic farm animal' means an animal used to control or protect livestock animals or used in other related agricultural activities; and

(C) 'Livestock animals' has the meaning given that term in ORS 164.055.

(b) 'Domestic farm animal' and 'livestock animals' do not include stray animals. + }

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**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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<b>Action:</b>	Do Pass
<b>Vote:</b>	8 - O - 1
<b>Yeas:</b>	Atkinson, Devlin, Gianella, Kruse, Merkley, Morgan, Taylor, Welsh
<b>Nays:</b>	0
<b>Exc.:</b>	Kafoury
<b>Prepared By:</b>	B. Harrison Conley, Analyst
<b>Meeting Dates:</b>	06/11

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**WHAT THE BILL DOES:** Creates the crime of interference with “agricultural operations” when a person, while on the property of another person engaged in **agricultural** operations, intentionally or knowingly obstructs, impairs or hinders or attempts to obstruct, impair or hinder agricultural operations. Exempts labor disputes or a public employee who is performing official duties. Classifies the crime as a Class A misdemeanor punishable by up to one year in jail and/or a fine of up to \$5,000. Defines “agricultural operations” as the conduct of logging and forest management, mining, ranching or farming.

**ISSUES DISCUSSED:**

- Individuals may **interfere** with agricultural operations without causing sufficient harm (measured in monetary value) to come within reach of existing criminal prohibitions
- When person intentionally interferes with agricultural operations, the injured party should not be required to prove a certain level of economic harm in order to hold person responsible for actions

**EFFECT OF COMMITTEE AMENDMENTS:** None.

**BACKGROUND:** Current law addresses some but not all of the acts covered by SB 678B. The following crimes are currently defined by statute:

- Criminal Mischief in the Second Degree (ORS 164.354) addresses intentional or reckless damage to the property of another where such damage exceeds \$100. Criminal Mischief in the Second Degree is a Class A misdemeanor.
- Criminal Mischief in the First Degree (ORS 164.365) addresses, in part, intentional damage to a livestock animal or intentional damage to the property of another where such damage exceeds \$500. Criminal Mischief in the First Degree is a Class C felony.
- Aggravated Animal Abuse in the First Degree (ORS 167.322) is the crime of intentionally killing or torturing any animal. Aggravated Animal Abuse in the First Degree is a Class C felony.

06/13/99 9:36 AM ~~06/11/99 11:35 AM~~

*This summary has not been adopted or officially endorsed by action of the committee.*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4628/P1

JEO:.....

Monday 2/28  
D. Nale  
low spender

JL

PRELIMINARY **DRAFT - NOT READY FOR INTRODUCTION**

gen. cat.

1 AN ACT, *gen. cat.* relating to: unauthorized release of animals, racketeering activity  
2 and providing a penalty. ✓

**Analysis by the Legislative Reference Bureau**

Current law prohibits the unauthorized release of animals. A person engages in the unauthorized release of animals if, without the consent of the owner or custodian of the animal, he or she intentionally releases an animal that is lawfully confined for scientific, farming, recreation, restocking, research, exhibition, commercial, educational, companionship or protection purposes. A person who violates the prohibition against the unauthorized release of animals is generally guilty of a misdemeanor and may be fined or imprisoned in a county jail or both. However, a person who commits a third and subsequent violation of the prohibition is guilty of a felony and may be fined or imprisoned in a state prison or both.

In addition, Wisconsin currently has an organized crime control law, which provides criminal and civil penalties for engaging in racketeering activity and continuing criminal enterprises. Specifically, this law prohibits a person who is employed by or associated with an enterprise from conducting or participating in the enterprise through a pattern of racketeering activity. The enterprises covered by the law may be illicit or licit and include sole proprietorships, partnerships, corporations and associations or groups of individuals associated in fact although not a legal entity. Current law defines "pattern of racketeering activity" to mean engaging in at least three incidents of racketeering activity within a seven-year period that have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated. "Racketeering activity" is an attempt or conspiracy to

commit, or the actual commission of, certain specified felonies, including felonies relating to homicide, battery, theft, burglary and robbery.

This bill expands the list of felonies considered to be "racketeering activity" to include felony violations of the current prohibition against the unauthorized release of animals.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1           **SECTION 1.** 946.82 (4)<sup>X</sup> of the statutes, as affected by 1999 Wisconsin Act 9, is  
2 amended to read:

3           946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
4 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (l),  
6 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,  
8 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
9 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,  
10 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),  
11 943.201, 943.23 (lg), (lm), (lr), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,  
12 943.32, 943.34 (1) (b) and(c), 943.38, 943.39, 943.40, 943.41 (8) (b) and(c), 943.50 (4)  
13 (b) and (c), 943.60, 943.70, 943.75<sup>✓</sup>, 944.205, 944.21 (5) (c) and(e), 944.32, 944.33 (2),  
14 944.34, 945.03 (lm), 945.04 (lm), 945.05 (l), 945.08, 946.10, 946.11, 946.12, 946.13,  
15 946.31, 946.32 (l), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,  
16 948.05, 948.08, 948.12 and 948.30.

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9.

**SECTION 2. Initial applicability.**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4628/P1dn

JEO:.....

JK

Representative Kestell:

I drafted this bill for you at the request of Adam Raschka of the Assembly Republican Caucus. It makes felony violations of s. 943.75, stats. (unauthorized release of animals), into predicate offenses under Wisconsin's Organized Crime Control Act (WOCCA), which is this state's counterpart to 18 USC sec. 1961 et seq., the federal Racketeer Influenced and Corrupt Organizations (RICO) law.

Adam told me that you wanted a bill draft that was similar to a bill that has been drafted in Oregon to include certain so-called "eco-terrorism" crimes in Oregon's counterpart to RICO. I got a copy of the Oregon bill from one of its authors. That bill adds three crimes to Oregon's RICO counterpart. One of the crimes is similar to s. 943.75, stats., relating to unauthorized release of animals, which this ~~draft~~ <sup>bill</sup> adds to WOCCA.

The other two Oregon crimes have no exact counterpart in Wisconsin law. The first deals with interference with livestock production and essentially covers theft from, criminal damage to and burglary of livestock production facilities. The acts covered under this Oregon statute are covered under general Wisconsin criminal statutes that prohibit theft, criminal damage and burglary, and felony violations of our theft, criminal damage and burglary statutes are already included under (WOCCA).

The second Oregon statute deals with interference with agricultural operations. It is very broad, prohibiting the obstruction, impairment or hindering of those operations. It seems to me that the acts that would obstruct, impair or hinder agricultural operations would very probably be covered under existing Wisconsin statutes that have more general application and that are already covered by WOCCA-for instance, damage to property and theft. Also, the Oregon statute is so broad that it might be considered by a court to be unconstitutionally vague or, possibly, overbroad.

In sum, this ~~draft~~ <sup>bill</sup> follows the Oregon proposal only with respect to the inclusion of felonies relating to the unauthorized release of animals. Because the acts prohibited by the other two Oregon laws are covered under Wisconsin statutes, this ~~draft~~ <sup>bill</sup> does not create similar new Wisconsin crimes and add them to WOCCA.

Finally, as you may know, 1999 Assembly Bill 92, which has passed both houses and is awaiting action by the governor, increases the penalties for the unauthorized release

of certain animals. This <sup>bill</sup>~~draft~~ would provide for yet higher penalties if the acts are prosecuted under WOCCA as part of a pattern of racketeering activity.

Please let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4628/P1dn  
JEO:jljg:jf

February 25, 2000

Representative Kestell:

I drafted this bill for you at the request of Adam Raschka of the Assembly Republican Caucus. It makes felony violations of s. 943.75, stats. (unauthorized release of animals), into predicate offenses under Wisconsin's Organized Crime Control Act (WOCCA), which is this state's counterpart to 18 USC sec. 1961 et seq., the federal Racketeer Influenced and Corrupt Organizations (RICO) law.

Adam told me that you wanted a bill draft that was similar to a bill that has been drafted in Oregon to include certain so-called "eco-terrorism" crimes in Oregon's counterpart to RICO. I got a copy of the Oregon bill from one of its authors. That bill adds three crimes to Oregon's RICO counterpart. One of the crimes is similar to s. 943.75, stats., relating to unauthorized release of animals, which this bill adds to WOCCA.

The other two Oregon crimes have no exact counterpart in Wisconsin law. The first deals with interference with livestock production and essentially covers theft from, criminal damage to and burglary of livestock production facilities. The acts covered under this Oregon statute are covered under general Wisconsin criminal statutes that prohibit theft, criminal damage and burglary, and felony violations of our theft, criminal damage and burglary statutes are already included under (WOCCA).

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In sum, this bill follows the Oregon proposal only with respect to the inclusion of felonies relating to the unauthorized release of animals. Because the acts prohibited by the other two Oregon laws are covered under Wisconsin statutes, this bill does not create similar new Wisconsin crimes and add them to WOCCA.

Finally, as you may know, 1999 Assembly Bill 92, which has passed both houses and is awaiting action by the governor, increases the penalties for the unauthorized release

of certain animals. This bill would provide for yet higher penalties if the acts are prosecuted under WOCCA as part of a pattern of racketeering activity.

Please let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [Jefren.Olsen@legis.state.wi.us](mailto:Jefren.Olsen@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-4628/P1  
JEO:jljg:jf

Soaa!

r.m.r.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to amend 946.82 (4) of the statutes; relating to: unauthorized release  
2 of animals, racketeering activity and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Current law prohibits the unauthorized release of animals. A person engages in the unauthorized release of animals if, without the consent of the owner or custodian of the animal, he or she intentionally releases an animal that is lawfully confined for scientific, farming, recreation, restocking, research, exhibition, commercial, educational, companionship or protection purposes. A person who violates the prohibition against the unauthorized release of animals is generally guilty of a misdemeanor and may be fined or imprisoned in a county jail or both. However, a person who commits a third or subsequent violation of the prohibition is guilty of a felony and may be fined or imprisoned in a state prison or both.

In addition, Wisconsin currently has an organized crime control law, which provides criminal and civil penalties for engaging in racketeering activity and continuing criminal enterprises. Specifically, this law prohibits a person who is employed by or associated with an enterprise from conducting or participating in the enterprise through a pattern of racketeering activity. The enterprises covered by the law may be illicit or licit and include sole proprietorships, partnerships, corporations and associations or groups of individuals associated in fact although not a legal entity. Current law defines "pattern of racketeering activity" to mean engaging in at least three incidents of racketeering activity within a seven-year period that have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated. "Racketeering activity" is an attempt or conspiracy to

commit, or the actual commission of, certain specified felonies, including felonies relating to homicide, battery, theft, burglary and robbery.

This bill expands the list of felonies considered to be "racketeering activity" to include felony violations of the current prohibition against the unauthorized release of animals.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           SECTION 1. 946.82 (4)<sup>X</sup> of the statutes, as affected by 1999 Wisconsin Act 9, is  
2 amended to read:

3           946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
4 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (l),  
6 180.0129, 181.0129, 185.825, 200.09 (2), 215.12, 221.0625, 221.0636, 221.0637,  
7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940 . 01 ,  
8 940 .19 ( 3 ) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20  
9 (2) and (3), 941.26, 941.28, 941 .298 , 941 .31 , 941 .32 , 943 .01 ( 2 ) or (2g), 943.011,  
10 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d),  
11 943.201, 943.23 (lg), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30,  
12 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
13 (b) and (c), 943.60, 943.70, 943.75, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2),  
14 944.34, 945.03 (lm), 945.04 (lm), 945.05 (l), 945.08, 946.10, 946.11, 946.12, 946.13,  
15 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015,  
16 948.05, 948.08, 948.12 and 948.30.

17           **SECTION 2. Initial applicability.**

