#### 2001 DRAFTING REQUEST

## Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001				Received By: mdsida						
Wanted: As til	Wanted: As time permits For: Assembly Republican Caucus 7-0900				Identical to LRB:					
For: Assembly					By/Representing:	Jefferson				
This file may be shown to any legislator: NO  May Contact: LFB					Drafter: mdsida					
					Addl. Drafters:	nelsorp1				
Subject: Agriculture - animals Criminal Law - miscellaneous Courts - immunity liablty					Extra Copies:	RLR, RC	T			
Submit via em	ail: NO									
Requester's en	nail:	•								
Pre Topic:										
ARC:Jeffe	rson - AN	<i>1</i> 20,								
Topic:	<u>é</u>									
Infecting lives	tock with	a contagious di	sease							
Instructions:										
See Attached										
Drafting Hist	ory:			·						
Vers. Dra	fted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required			
06/2 nels	sida 22/2001 sorp1 22/2001	jdyer 06/22/2001								

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1			jfrantze 06/23/200	1	lrb_docadmin 06/23/2001		
/2	nelsorp1 06/26/2001	jdyer 06/27/2001	rschluet 06/27/200	1	lrb_docadmin 06/27/2001		
/3		jdyer 06/27/2001	jfrantze 06/27/200	1	lrb_docadmin 06/27/2001		
/4		jdyer 06/28/2001	pgreensl 06/28/200	1	lrb_docadmin 06/28/2001		

FE Sent For:

<END>

#### 2001 DRAFTING REQUEST

## Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001				Received By: mdsida					
Wanted:	As time perm	nits			Identical to LRB:				
For: Ass	sembly Republ	lican Caucus 7	<b>-0900</b>		By/Representing: Jefferson				
This file	may be shown	to any legislate	or: NO		Drafter: mdsida				
May Co	ntact: LFB				Addl. Drafters: nelsorp1				
Subject:	Crimina	ture - animals al Law - miscel - immunity lial			Extra Copies:	RLR, RCT			
Submit	via email: NO								
Request	er's email:								
Pre Top	oic:			<u> </u>					
ARC:	Jefferson - Al	M20,	,						
Topic:		· · · · · · · · · · · · · · · · · · ·							
Infecting	g livestock with	n a contagious d	isease						
Instruct	tions:								
See Atta	ached								
Draftin	g History:		· · · · · · · · · · · · · · · · · · ·						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required		
/?	mdsida 06/22/2001 nelsorp1 06/22/2001	jdyer 06/22/2001							
<b>/1</b>			jfrantze 06/23/200	01	lrb_docadmin 06/23/2001				
/2	nelsorp1 06/26/2001	jdyer 06/27/2001	rschluet 06/27/200	01/08	lrb_docadmin 06/27/2001				
/3		jdyer 06/27/2001	jfrantze 06/27/200	01/Be	lrb_docadmin 06/27/2001				
		/4 % jld	88	<i>(</i> )					

#### 2001 DRAFTING REQUEST

#### Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus 7-0900

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact: LFB

Addl. Drafters:

nelsorp1

Subject:

Agriculture - animals

Extra Copies:

RLR, RCT

Criminal Law - miscellaneous Courts - immunity liablty

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM20,

Topic:

Infecting livestock with a contagious disease

**Instructions:** 

See Attached

Vers.

**Drafted** 

Reviewed

**Submitted** 

<u>Jacketed</u>

Required

/?

mdsida

nelsorp1

06/22/2001

jdyer 06/22/2001

06/22/2001 /5

06/27/2001 10:09:01 AM Page ·2

Vers.	· <u>Drafted</u>	Reviewed	Typed	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required
/1			jfrantze 06/23/2001	1	lrb_docadmin 06/23/2001		
/2	nelsorp1 06/26/2001	jdyer 06/27/2001	rschluet 06/27/2001	1	lrb_docadmin 06/27/2001		

FE Sent For:

<END>

#### 2001 DRAFTING REQUEST

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Wanted: As ti	me permits	Identical to LRB:					
For: Assembl	y Republican Caucus 7-0900	By/Representing:	Jefferson				
This file may	be shown to any legislator: NO	Drafter: mdsida					
May Contact:	LFB	Addl. Drafters: nelsorp1					
Subject:	Agriculture - animals Criminal Law - miscellaneous Courts - immunity liablty	Extra Copies:	RLR, RCT				
Submit via en	nail: NO						
Requester's e	mail:						
Pre Topic:	· ·						
ARC:Jeff	erson - AM20,						
Topic:							
Infecting lives	stock with a contagious disease						
Instructions			<del> </del>				
See Attached			·				
	,						
Drofting Uia	ław.						

#### **Drafting History:**

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	mdsida 06/22/2001 nelsorp1 06/22/2001	jdyer 06/22/2001 /2/27 Ld	O Gri	W. K.			

06/23/2001 01:51:15 PM Page 2

Vers.DraftedReviewedTypedProofedSubmittedJacketedRequired/1jfrantzelrb\_docadmin06/23/200106/23/2001

FE Sent For:

<END>

#### 2001 DRAFTING REQUEST

#### Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001 Received By: mdsida Wanted: As time permits Identical to LRB: For: Assembly Republican Caucus 7-0900 By/Representing: Jefferson This file may be shown to any legislator: NO Drafter: mdsida May Contact: Addl. Drafters: nelsorp1 Subject: **Agriculture - animals** Extra Copies: rlr Criminal Law - miscellaneous rct **Courts - immunity liablty** Submit via email: NO Requester's email: Pre Topic: ARC:.....Jefferson - AM20, Topic: Infecting livestock with a contagious disease **Instructions:** See Attached **Drafting History: Drafted** Vers. Reviewed Typed **Submitted** Jacketed Required

FE Sent For:

/?

mdsida

<END>

#### 2001 BILL

AN ACT to create 895.80 (3m) and 943.01 (2d) of the statutes; relating to:

intentionally damaging crops and providing a penalty

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Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally damaging another person's property without the other person's consent. A person who violates this prohibition may be fined up to \$10,000 or imprisoned for up to nine months or both. But under certain circumstances, the maximum term of imprisonment may be increased to five years (for example, if the property damaged is a pay telephone or vending machine) or ten years (for example, if more than \$1,000 of damage is done to the property). Under this bill, the maximum term of imprisonment is five years if: 1) the property damaged is a plant, material taken from a plant, or a seed or other material that is being used or will be used to grow or develop a plant; and 2) the plant is being grown or developed for commercial purposes or in conjunction with plant research and development.

In addition, under current law, a person who suffers damage as the result of certain intentional conduct that is prohibited by law, including intentionally causing damage to property, damaging real property, or theft, has a civil cause of action against the person who caused the damage. If the plaintiff prevails in the action, he or she may recover treble his or her damages and all of the costs of investigation and litigation related to the action. Under this bill, if the prohibited conduct involves intentionally causing damage to a plant, material taken from a plant, or a seed or other material that is being used or will be used to grow or develop a plant, the court may award the plaintiff reasonable attorney fees and shall consider the market value

#### **Budget Amendments 2001 - 2003**

#### **Prepared by the Assembly Republican Caucus**

Statement of Intent

Provide penalties for intentionally damaging crops and infecting animals with contagious disease. (Crop Vandalism and Agri-Terrorism)

Legislator

Ott

**Amendment** 

20

Legislator 2

Pass or Fail

Pass

Legislator 3

**Spending Cut** 

Legislator 4

Withdrawn

Staff contact

Beata Kalies

**Package** 

Agency

Agriculture, Trade, and Consumer Protection

Summary

This amendment would create criminal penalties and allow civil action to be brought against anyone who intentionally infects livestock with disease or harms crops.

Livestock Disease (Agri-Terrorism)

Statutory language would include the following:

- 1) Make the intentional introduction of a contagious disease into a herd of livestock (farm animals) a felony. Create a bi-level penalty system that would include a Class A misdemeanor charge for unintentional (accidental) action and a Class C Felony if the action is intentional.
- 2) Criminal penalty as well as civil liability, including civil liability for the entire group if the perpetrator is part of one (like PETA). Address the issue of conspiracy within an organization to commit such a crime.
- 3) Treble damages, including property, animals, loss of livelihood, etc.
- 4) Exemption for legitimate research purposes or vet care.

#### Crop Vandalism

Current law prohibits a person from intentionally damaging another person's property without the other person's consent. A person who violates this prohibition may be fined up to \$10,000 or imprisoned for up to nine months or both. But under certain circumstances, the maximum term of imprisonment may be increased to five years (for example, if the property damaged is a pay telephone or vending machine) or ten years (for example, if more than \$1000 of damage is done to the property).

Under this amendment, the maximum term of imprisonment is five years if: 1) the property damaged is a plant, material taken from a plant, or a seed or other material that is being used or will be used to grow or develop a plant; and 2) the plat is being grown or developed for commercial purposes or in conjunction with plant research and development.

In addition, under current law, a person who suffers damage as the result of certain intentional conduct that is prohibited by law, including intentionally causing damage to property, damaging real property, or theft, has a civil cause of action against the person who caused the damage. If the plaintiff prevails in the action, he or she may recover treble his or her damages and all of the costs of investigation and litigation related to the action.

With this amendment, if the prohibited conduct involves intentionally causing damage to a plant, material taken from a plant, or a seed or other material that is being used or will be used to grow or

Request #

297

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#### **Budget Amendments 2001 - 2003**

**Prepared by the Assembly Republican Caucus** 

Fiscal Impact

None.

**Drafting Inst** 

ARC Analyst

Jefferson

develop a plant, the court may award the plaintiff reasonable attorney fees and shall consider the market value of the plant before the damage and the costs of plant production, research, testing replacement, and development when determining the amount of the damages.

This amendment would become effective immediately.

Request #

297



#### State of Misconsin 2001 - 2002 LEGISLATURE

LRBb1403/**?** MGD&RPN:<sub>//</sub>....

jld

ARC:.....Jefferson – AM20, Infecting livestock with a contagious disease

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO 2001 SENATE BILL 55

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

(1	At the locations indicated, amend the Mas follows:
2	1. Page 1219, line 4: after that line insert:
3	"Section 3871t. 895.80 (1) of the statutes is amended to read:
4	895.80 (1) Any person who suffers damage or loss by reason of intentional
5	conduct that occurs on or after November 1, 1995, and that is prohibited under s.
6	943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or, 943.61, or
7	943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and
8	that is prohibited under s. 943.201, has a cause of action against the person who
9	caused the damage or loss (insert A-rn)
	History: 1995 a. 27; 1997 a. 101.
10	2. Page 1236, line 17: after that line insert:

1	(INSERT B from LRB−3026/1)
2	3. Page 1241, line 18: after that line insert:
3	"Section 3951n. 943.76 of the statutes is created to read:
4	943.76 Infecting livestock with a contagious disease. (1) In this section,
5	"livestock" has the meaning given in s. 95.80 (1) (b).
6	(2) Except as provided in par. (b), whoever introduces a contagious disease into
7	a herd of livestock without the consent of the owner of the herd is guilty of a Class
8	A misdemeanor.
9	(b) Whoever intentionally introduces a contagious disease into a herd of
10	livestock without the consent of the owner of the herd is guilty of a Class C felony.".

(END)

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of the plant before the damage and the costs of plant production, research, testing, replacement, and development when determining the amount of the damages.

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

38714

SECTION 1. 895.80 (3m) of the statutes is created to read:

895.80 (3m) (a) In this subsection, "plant" includes the material taken, extracted, or harvested from a plant, or a seed or other plant material that is being used or that will be used to grow or develop a plant.

(b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred in litigating the action and, when determining the damages recoverable under sub. (3), shall include the market value of the plant before the damage or destruction, and the costs of production, research, testing, replacement, and plant development " (end ins A-ra) directly related to the plant that has been damaged or destroyed.

SECTION 2. 943.01 (2d) of the statutes is created to read:

943.01 (2d) (a) In this subsection, "plant research and development" means research regarding plants or development of plants, if the research or development is undertaken in conjunction or coordination with the state, a federal or local government agency, a university, or a private research facility.

- (b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E felony:
- 1. The property damaged is a plant, material taken, extracted, or harvested from a plant, or a seed or other plant material that is being used or that will be used to grow or develop a plant.

**BILL** 

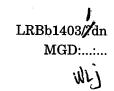
INS B cont

2. The plant referred to in subd. 1. is or was being grown for commercial purposes or in conjunction with plant research and development.

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(end ins B)

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



- 1. I used the broadest definition of livestock currently contained in the statutes. Is that consistent with your intent?
- 2. I did not include an exemption for cases in which a person infects a herd for research purposes or for veterinary care. Presumably, the owner of the herd would consent in those cases.
- 3. There does not appear to be any need for a separate provision to impose criminal liability on an organization involved with intentionally introducing an infectious disease into a herd of livestock. Under Wisconsin law, a corporation (which is what PETA is) is criminally liable for the acts of its agent if the acts are undertaken in the scope of the agent's employment. Wis J.I. Criminal 420; see also State v. Knutson, Inc., 196 Wis. 2d 86 (1995). That principle is likely to extend to agents who are not employees. It may be difficult, however, to prove the agency relationship if the alleged agent is a volunteer for a nonprofit organization.
- 4. Do you want to include either of the crimes created in this amendment in the list of racketeering crimes in s. 946.82 (4)?

Michael Dsida Legislative Attorney Phone: (608) 266–9867

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb1403/?dn MGD:wlj:jf

June 23, 2001

- 1. I used the broadest definition of livestock currently contained in the statutes. Is that consistent with your intent?
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- 4. Do you want to include either of the crimes created in this amendment in the list of racketeering crimes in s. 946.82 (4)?

Michael Dsida Legislative Attorney Phone: (608) 266–9867



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## State of Misconsin 2001 - 2002 LEGISLATURE

LRBb1403/1) MGD&RPN:jld:jf

ARC:.....Jefferson - AM20, Infecting livestock with a contagious disease

Q 110

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

# CAUCUS ASSEMBLY AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

At the locations	indicated.	amend t	he substitute	amendment a	ag followg.

1. Page 1219, line 4: after that line insert:

"Section 3871t. 895.80 (1) of the statutes is amended to read:

895.80 (1) Any person who suffers damage or loss by reason of intentional conduct that occurs on or after November 1, 1995, and that is prohibited under s. 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or, 943.61, or 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and that is prohibited under s. 943.201, has a cause of action against the person who caused the damage or loss.

SECTION 3871u. 895.80 (3m) of the statutes is created to read:

895.80 (3m) (a) In this subsection, "plant" includes the material taken,
extracted, or harvested from a plant, or a seed or other plant material that is being
used or that will be used to grow or develop a plant.
(b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01
(2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred
in litigating the action and, when determining the damages recoverable under sub.
(3), shall include the market value of the plant before the damage or destruction, and
the costs of production, research, testing, replacement, and plant development
directly related to the plant that has been damaged or destroyed.
2. Page 1236, line 17: after that line insert:
"Section 3938up. 943.01 (2d) of the statutes is created to read:
943.01 (2d) (a) In this subsection, "plant research and development" means
research regarding plants or development of plants, if the research or development
is undertaken in conjunction or coordination with the state, a federal or local
government agency, a university, or a private research facility.
(b) Any person violating sub. (1) under all of the following circumstances is
guilty of a Class E felony:
1. The property damaged is a plant, material taken, extracted, or harvested
from a plant, or a seed or other plant material that is being used or that will be used

- 2. The plant referred to in subd. 1. is or was being grown for commercial purposes or in conjunction with plant research and development.".
  - 3. Page 1241, line 18: after that line insert:

to grow or develop a plant.

"Section 3951n. 943.76 of the statutes is created to read:

1	943.76 Infecting livestock with a contagious disease. (1) In this section,
$\binom{2}{2}$	"livestock" has the meaning given in s. 95.80 (1) (km / 10 see 3/2
$\overbrace{3}$	(2) Except as provided in par. (b), whoever introduces a contagious disease into
$\overset{\smile}{4}$	a herd of livestock without the consent of the owner of the herd is guilty of a Class
5	A misdemeanor.
6	(b) Whoever intentionally introduces a contagious disease into a herd of
7	livestock without the consent of the owner of the herd is guilty of a Class C felony.".
8	(END)
\/NS	sut 3/7

#### 2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

/ )
( insert 2–9:

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SECTION 3871w. 895.80 (5) of the statutes is amended to read:

895.80 (5) No person may bring a cause of action under both this section and s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or 943.51 regarding the same incident or occurrence, the plaintiff may choose which action to bring. If the plaintiff has a cause of action under both this section and s. 95.195, the plaintiff must bring the action under s. 95.195.".

History: 1995 a. 27; 1997 a. 101.

#### 2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb1403/2insmd MGD&RPN:...:...

1	INSERT 3/2
2	means cattle, horses, swine, sheep, goats, deer, and other species of animals
3	susceptible of use in the production of meat and meat products.
4	INSERT 3/7
5	<b>1.</b> Page 1246, line 4: after "943.01 (2)" insert ", (2d),".
6	2. Page 1246, line 8: after "943.70" insert ", 943.76".



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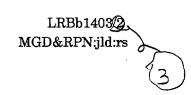
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#### State of Misconsin 2001 – 2002 LEGISLATURE



RMR

ARC:.....Jefferson - AM20, Infecting livestock with a contagious disease

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

# CAUCUS ASSEMBLY AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55



At the locations indicated, amend the substitute amendment as follows:

1. Page 1219, line 4: after that line insert:

"Section 3871t. 895.80 (1) of the statutes is amended to read:

895.80 (1) Any person who suffers damage or loss by reason of intentional conduct that occurs on or after November 1, 1995, and that is prohibited under s. 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 er, 943.61, or 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and that is prohibited under s. 943.201, has a cause of action against the person who caused the damage or loss.

Section 3871u. 895.80 (3m) of the statutes is created to read:

895.80 <b>(3m)</b> (a)	In this subsection,	"plant"	includes	the m	naterial	taken,
extracted, or harvested	from a plant, or a see	ed or oth	er plant n	nateri	al that is	s being
used or that will be use	ed to grow or develop	a plant.				÷

(b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred in litigating the action and, when determining the damages recoverable under sub. (3), shall include the market value of the plant before the damage or destruction, and the costs of production, research, testing, replacement, and plant development directly related to the plant that has been damaged or destroyed.

SECTION 3871w. 895.80 (5) of the statutes is amended to read:

895.80 (5) No person may bring a cause of action under both this section and s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or 943.51 regarding the same incident or occurrence, the plaintiff may choose which action to bring. If the plaintiff has a cause of action under both this section and s. 95.195, the plaintiff must bring the action under s. 95.195.".

2. Page 1236, line 17: after that line insert:

"Section 3938up. 943.01 (2d) of the statutes is created to read:

943.01 (2d) (a) In this subsection, "plant research and development" means research regarding plants or development of plants, if the research or development is undertaken in conjunction or coordination with the state, a federal or local government agency, a university, or a private research facility.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E felony:

`1	1. The property damaged is a plant, material taken, extracted, or harvested
2	from a plant, or a seed or other plant material that is being used or that will be used
3	to grow or develop a plant.
4	2. The plant referred to in subd. 1. is or was being grown for commercial
5	purposes or in conjunction with plant research and development.".
6	3. Page 1241, line 18: after that line insert:
7	"Section 3951n. 943.76 of the statutes is created to read:
8	943.76 Infecting livestock with a contagious disease. (1) In this section,
9	"livestock" means cattle, horses, swine, sheep, goats, deer, and other species of
10	animals susceptible of use in the production of meat and meat products.
II)	(2) (a) Except as provided in par. (b), whoever introduces a contagious disease
12	into a hand livestock without the consent of the owner of the hand is guilty of a Class
13	A misdemeanor.
14)	(b) Whoever intentionally introduces a contagious disease into a bentless
15)	livestock without the consent of the owner of the livestock guilty of a Class C felony.".
16	<b>4.</b> Page 1246, line 4: after "943.01 (2)" insert ", (2d),".
17	<b>5.</b> Page 1246, line 8: after "943.70" insert ", 943.76".
18	(END)

## STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU** – LEGAL SECTION (608–266–3561)

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Crop vandalism - add food -
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#### State of Misconsin 2001 - 2002 LEGISLATURE

LRBb14033 MGD&RPN:jld:jf

ARC:.....Jefferson – AM20, Infecting livestock with a contagious disease

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

RMR

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

CAUCUS ASSEMBLY AMENDMENT

1 At the locations indicated, amend the substitute amendment as follows:

1. Page 1219, line 4: after that line insert:

"Section 3871t. 895.80 (1) of the statutes is amended to read:

895.80 (1) Any person who suffers damage or loss by reason of intentional conduct that occurs on or after November 1, 1995, and that is prohibited under s. 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or, 943.61, or

943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and

that is prohibited under s. 943.201, has a cause of action against the person who

9 caused the damage or loss.

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SECTION 3871u. 895.80 (3m) of the statutes is created to read:

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895.80 (3m) (a) In this subsection, "plant" includes the material taken, extracted, or harvested from a plant, or a seed or other plant material that is being used or that will be used to grow or develop a plant.

(b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred in litigating the action and, when determining the damages recoverable under sub. (3), shall include the market value of the plant before the damage or destruction, and the costs of production, research, testing, replacement, and plant development directly related to the plant that has been damaged or destroyed.

**SECTION 3871w.** 895.80 (5) of the statutes is amended to read:

895.80 (5) No person may bring a cause of action under both this section and s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or 943.51 regarding the same incident or occurrence, the plaintiff may choose which action to bring. If the plaintiff has a cause of action under both this section and s. 95.195, the plaintiff must bring the action under s. 95.195.".

#### **2.** Page 1236, line 17: after that line insert:

"Section 3938up. 943.01 (2d) of the statutes is created to read:

943.01 (2d) (a) In this subsection, "plant research and development" means research regarding plants or development of plants, if the research or development is undertaken in conjunction or coordination with the state, a federal or local government agency, a university, or a private research facility.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E felony:

1	1. The property damaged is a plant, material taken, extracted, or harvested
2	from a plant, or a seed or other plant material that is being used or that will be used
3	to grow or develop a plant. If as feed for animals being used or to be used for commercial purposes,
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5	purposes or in conjunction with plant research and development.".
6	3. Page 1241, line 18: after that line insert:  20 of med in (1)(a),
7	"SECTION 3951n. 943.76 of the statutes is created to read:
8	943.76 Infecting ligestack with a contagious disease. (1) In this section,
9	"livestock" means cattle, horses, swine, sheep, goats, deer, and other species of
10	animals sasceptible of wear in the production of meatand meat products.
11	(2) (a) Except as provided in par. (b), whoever introduces a contagious disease
12	other than Johne's disease into livestock without the consent of the owner of the
13	hvestock is guilty of a Class A misdemeanor.
14	(b) Whoever intentionally introduces a contagious disease into livestock
15	without the consent of the owner of the livestock is guilty of a Class C felony.
16	<b>4.</b> Page 1246, line 4: after "943.01 (2)" insert ". (2d).".
17	<b>5.</b> Page 1246, line 8: after "943.70" insert " <u>, 943.76</u> ".
18	(END)  No food, fiber,
	on other commercial
	products
	(4) Whoever ententionally introduces a infectious desease into well deer
	( Contagoods
- 1	without the consent of the department of
	natural resources is quilty of a Class & felony

# ARC:.....Jefferson – AM20, Infecting livestock with a contagious disease FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION CAUCUS ASSEMBLY AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2001 SENATE BILL 55

1	At the locations indicated, amend the substitute amendment as follows:
2	1. Page 1219, line 4: after that line insert:
3	"Section 3871t. 895.80 (1) of the statutes is amended to read:
4	895.80 (1) Any person who suffers damage or loss by reason of intentional
5	conduct that occurs on or after November 1, 1995, and that is prohibited under s.
6	943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 or, 943.61, or
7	943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and
8	that is prohibited under s. 943.201, has a cause of action against the person who
9	caused the damage or loss.

SECTION 3871u. 895.80 (3m) of the statutes is created to read:

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895.80 (3m) (a) In this subsection, "plant" includes the material taken, extracted, or harvested from a plant, or a seed or other plant material that is being used or that will be used to grow or develop a plant.

(b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred in litigating the action and, when determining the damages recoverable under sub. (3), shall include the market value of the plant before the damage or destruction, and the costs of production, research, testing, replacement, and plant development directly related to the plant that has been damaged or destroyed.

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(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class E felony:

1	1. The property damaged is a plant, material taken, extracted, or harvested
2	from a plant, or a seed or other plant material that is being used or that will be used
3	to grow or develop a plant.
4	2. The plant referred to in subd. 1. is or was being grown as feed for animals
5	being used or to be used for commercial purposes, for other commercial purposes, or
6	in conjunction with plant research and development.".
7	3. Page 1241, line 18: after that line insert:
8	"Section 3951n. 943.76 of the statutes is created to read:
9	943.76 Infecting animals with a contagious disease. (1) In this section,
10	"livestock" means cattle, horses, swine, sheep, goats, farm-raised deer, as defined in
11	s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,
12	or other commercial products.
13	(2) (a) Whoever intentionally introduces a contagious or infectious disease into
14	livestock without the consent of the owner of the livestock is guilty of a Class C felony.
15	(b) Whoever intentionally introduces a contagious or infectious disease into
16	wild deer without the consent of the department of natural resources is guilty of a
17	Class C felony.".
18	<b>4.</b> Page 1246, line 4: after "943.01 (2)" insert ", (2d),".
19	<b>5.</b> Page 1246, line 8: after "943.70" insert ", 943.76".
20	(END)

(END)