

conducted in conjunction or coordination with a private research facility, a university, or any governmental agency who suffers damage as a result of another person's willful and knowing damage or destruction of such crop to bring an action for damages for twice the value of the crop damaged or destroyed. In addition, the Legislature made it a third degree felony for trespassing on agriculture sites legally posted and identified as being used for research and testing purposes.

Presently damages are limited to twice the amount of the loss. The bill will increase the amount of damages recoverable to three times the value of the loss. The economic consequences of such acts can be far greater than the damages to the crops. Soil and production equipment can be damaged and compromised at a great economic loss and assets in this category, referred to as "agricultural production systems," are not covered by current statute. Also, no exemption is provided under present law for government workers in the performance of their duties.

III. Effect of Proposed Changes:

Section 1. Creates definitions for "agricultural product" and "agricultural production system" as follows:

- "Agriculture product" means the natural products from a farm, nursery, grove, orchard, vineyard, garden, or apiary, including livestock, tobacco, and vegetables, and includes aquacultural, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee and any farm products.
- "Agricultural production system" means land, buildings, or equipment used in the production of any agricultural product as defined above.

Extends the cause of action to cover damage to an agricultural production system.

Increases the amount that can be recovered from double to triple the amount of damages.

Provides an exemption from liability under this section for government workers at all levels for action taken in the performance of their powers and duties.

Section 2. Provides that this bill shall take effect on October 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill increases the amount of damages, from double to triple the value of the loss, that growers or producers of agriculture products could potentially recover for damage to their agriculture products or agricultural production systems.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.