

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL**

4 **By: Representative Fairchild**

5

6

7

## **For An Act To Be Entitled**

8 "AN ACT RELATING TO PROTECTION OF FARM ANIMAL AND RESEARCH  
9 FACILITIES; AND FOR OTHER PURPOSES."

10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

12

13 SECTION 1. As used in this act, unless the context otherwise requires:

14 (1) "Animal" means any warm or cold blooded animal used in food or  
15 fiber production, agriculture, research, testing, or education including  
16 poultry, fish and insects;

17 (2) "Animal facility" means any vehicle, building, structure, or  
18 premises, where an animal or animal records are kept, handled, housed,  
19 exhibited, bred, or offered for sale;

20 (3) "Consent" means assent in fact, whether express or apparent;

21 (4) "Deprive" means to withhold an animal or other property from the  
22 owner permanently or for so extended a period of time that a major portion of  
23 the value or enjoyment of the animal or property is lost to the owner, to  
24 restore the animal or other property only upon payment of reward or other  
25 compensation, or to dispose of an animal or other property in a manner that  
26 makes recovery of the animal or property by the owner unlikely;

27 (5) "Effective consent" means consent by a person legally authorized to  
28 act for the owner. Consent is not effective if induced by force, threat,  
29 false pretenses, or fraud, if given by a person the actor knows is not legally  
30 authorized to act for the owner, if given by a person who by reason of youth,  
31 mental disease or defect, or intoxication is known by the actor to be unable  
32 to make reasonable decisions, or if given solely to detect the commission of  
33 an offense;

34 (6) "Owner" means a person who has title to the property, possession of  
35 the property, whether lawful or not, or a greater right to possession of the

1 property than the actor;

2 (7) "Person" means any individual, corporation, association, nonprofit  
3 corporation, joint stock company, firm, trust, partnership, two (2) or more  
4 persons having a joint or common interest, or other legal entity;

5 (8) "Possession" means actual care, custody, control, or management.  
6

7 SECTION 2. Findings of the General Assembly.

8 The General Assembly finds that the caring, rearing, feeding, breeding,  
9 and sale of animals and animal products, and the use of animals in research,  
10 testing and education, represents vital segments of the economy of the state,  
11 that producers and others involved in the production and sale of animals and  
12 animal products and the use of animals in research and education have a vested  
13 interest in protecting the health and welfare of animals and the physical and  
14 intellectual property rights which they have in animals, and that there has  
15 been an increasing number of illegal acts committed against farm animal and  
16 research facilities. The General Assembly further finds that these illegal  
17 acts threaten the production of agricultural products, and jeopardize crucial  
18 scientific, biomedical, or agricultural research. And finally, the General  
19 Assembly finds that these illegal acts threaten the public safety by exposing  
20 communities to contagious diseases and damage research.

21

22 SECTION 3. Offenses.

23 (1) A person commits an offense if, without the effective consent of  
24 the owner, the person acquires or otherwise exercises control over an animal  
25 facility, an animal from an animal facility, or other property from an animal  
26 facility, with the intent to deprive the owner of the facility, animal, or  
27 property and to disrupt or damage the enterprise conducted at the animal  
28 facility.

29 (2) A person commits an offense if, without the effective consent of  
30 the owner and with the intent to disrupt or damage the enterprise conducted at  
31 the animal facility, the person damages or destroys an animal facility or any  
32 animal or property in or on an animal facility.

33 (3) A person commits an offense if, without the effective consent of  
34 the owner and with the intent to disrupt or damage the enterprise conducted at  
35 the animal facility, the person enters an animal facility, not then open to

1 the public, with the intent to commit an act prohibited by this section,  
2 remains concealed, with the intent to commit an act prohibited by this  
3 section, in an animal facility, or enters an animal facility and commits or  
4 attempts to commit an act prohibited by this section.

5 (4) A person commits an offense if, without the effective consent of  
6 the owner and with the intent to disrupt or damage the enterprise conducted at  
7 the animal facility, the person enters or remains on an animal facility, and  
8 the person had notice that the entry was forbidden, or received notice to  
9 depart but failed to do so. For purposes of this subsection "notice" shall  
10 mean oral or written communication by the owner or someone with apparent  
11 authority to act for the owner, fencing or other enclosure obviously designed  
12 to exclude intruders or to contain animals, or a sign or signs posted on the  
13 property or at the entrance to the building, reasonably likely to come to the  
14 attention of intruders, indicating that entry is forbidden.

15

16 SECTION 4. Penalties.

17 (1) Any person who violates any provision of this act shall be deemed  
18 guilty of a Class D felony.

19 (2) Any persons convicted of violating any provision of this act shall  
20 be ordered to make restitution to the animal facility in the full amount of  
21 the reasonable cost of replacing materials, data, equipment or animals, and  
22 records that may have been damaged or cannot be returned, and the reasonable  
23 cost of repeating any experimentation that may have been interrupted or  
24 invalidated as a result of the violation.

25 (3) Nothing in this act shall be construed to affect any other rights  
26 of a person who has been damaged by reason of a violation of this act.

27

28 SECTION 5. All provisions of this act of a general and permanent nature  
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
30 Revision Commission shall incorporate the same in the Code.

31

32 SECTION 6. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

2

3           SECTION 7. All laws and parts of laws in conflict with this act are  
4 hereby repealed.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3