

## Katharine Gerrity

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**From:** bnaerebout@gmail.com on behalf of Bob Naerebout [bob@wdbs.us]  
**Sent:** Thursday, January 30, 2014 2:38 PM  
**To:** Katharine Gerrity  
**Subject:** Fwd: RE: legislation  
**Attachments:** ag protection legislation 1-30-14--edit.doc

----- Forwarded message -----

**From:** "Kane, Brian" <brian.kane@ag.idaho.gov>  
**Date:** Jan 30, 2014 1:57 PM  
**Subject:** RE: legislation  
**To:** "Dan Steenson" <dan@sawtoothlaw.com>, "gbatt@house.idaho.gov" <gbatt@house.idaho.gov>, "Bob Naerebout (bob@wdbs.us)" <bob@wdbs.us>  
**Cc:**

Hi Dan—

Attached is your draft with one minor addition—it builds in what we discussed this morning—I was not thinking on my feet and think that this recommendation directly addresses the question on Law Enforcement and ISDA efforts without making it too broad or confusing.

Hope this helps.

Brian

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**From:** Dan Steenson [mailto:dan@sawtoothlaw.com]  
**Sent:** Thursday, January 30, 2014 12:57 PM  
**To:** Kane, Brian; gbatt@house.idaho.gov; Bob Naerebout (bob@wdbs.us)  
**Subject:** RE: legislation

I neglected to include an emergency clause in the draft I sent with my prior email. This attached version contains an emergency clause.

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**From:** Dan Steenson  
**Sent:** Thursday, January 30, 2014 12:48 PM  
**To:** 'Kane, Brian'; 'gbatt@house.idaho.gov'; Bob Naerebout (bob@wdbs.us)  
**Subject:** legislation

Brian,

The attached draft incorporates the suggestions you gave us this morning. Please comment on the highlighted change in subsection (d) at page 1, line 34 requiring that consent be express.

Thanks again for your review.

Dan

**Daniel V. Stenson**

*Attorney at Law*

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SAWTOOTH LAW  
OFFICES, PLLC

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO AGRICULTURE; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7042, IDAHO CODE, TO PROVIDE THE CRIME OF INTERFERENCE WITH AGRICULTURAL PRODUCTION, TO DEFINE TERMS, TO PROVIDE PENALTIES, TO PROVIDE FOR RESTITUTION, AND TO PROVIDE SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 70, Title 18, Idaho Code, be, and is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-7042, Idaho Code, be, and to read as follows:

18-7042. INTERFERENCE WITH AGRICULTURAL PRODUCTION.

(1) A person commits the crime of interference with agricultural production if the person knowingly:

(a) is not employed by an agricultural production facility and enters an agricultural production facility by force, threat, misrepresentation or trespass; or

(b) obtains records of an agricultural production facility by force, threat, misrepresentation or trespass; or

(c) obtains employment with an agricultural production facility by force, threat, or misrepresentation with the intent to cause economic or other injury to the facility's operations, livestock, crops, owners, personnel, equipment, buildings, premises, business interests or customers; or

(d) enters an agricultural production facility and, without the facility owner's express consent or pursuant to judicial process or statutory authorization, makes audio or video recordings of the conduct of an agricultural production facility's operations; or

(e) intentionally damages or interferes with the agricultural production facility's operations, livestock, crops, owners, personnel, equipment, buildings, premises, business interests or customers.

(2) For purposes of this section:

(a) "Agricultural production" means activities associated with the production of agricultural products for food, fiber, fuel and other lawful uses, and includes, without limitation:

1 (1) Construction, expansion, use, maintenance and  
2 repair of an agricultural production facility;

3 (2) Preparing land for agricultural production;

4 (3) Handling or applying pesticides, herbicides or  
5 other chemicals, compounds or substances labeled for insects, pests,  
6 crops, weeds, water or soil;

7 (4) Planting, irrigating, growing, fertilizing,  
8 harvesting or producing agricultural, horticultural, floricultural  
9 and viticultural crops, fruits and vegetable products, field grains,  
10 seeds, hay, sod and nursery stock, and other plants, plant products,  
11 plant byproducts, plant waste and plant compost;

12 (5) Breeding, hatching, raising, producing, feeding and  
13 keeping livestock, dairy animals, swine, fur-bearing animals,  
14 poultry, eggs, fish and other aquatic species, and other animals,  
15 animal products and animal byproducts, animal waste, animal compost,  
16 and bees, bee products and bee byproducts;

17 (6) Processing and packaging agricultural products,  
18 including the processing and packaging of agricultural products into  
19 food and other agricultural commodities;

20 (7) Manufacturing animal feed;

21 (8) Transporting agricultural products to or from an  
22 agricultural facility;

23 (9) Selling agricultural products at a farmers or  
24 roadside market;

25 (b) "Agricultural production facility" means any structure  
26 or land, whether privately or publicly owned, leased or operated,  
27 that is being used for agricultural production.  
28

29 (3) A person found guilty of committing the crime of interference  
30 with agricultural production shall be guilty of a misdemeanor and  
31 shall be punished by a term of imprisonment of not more than one (1)  
32 year or by a fine not in excess of five thousand dollars (\$5,000),  
33 or by both such fine and imprisonment.  
34

35 (4) In addition to any other penalty imposed for a violation of  
36 this section, the court shall require any person convicted, found  
37 guilty or who pleads guilty to a violation of this section to make  
38 restitution to the victim of the offense in accordance with the  
39 terms of section 19-5304, Idaho Code; provided, that such award  
40 shall be in an amount equal to twice the value of the damage  
41 resulting from the violation of this section.  
42

43 SECTION 2. Severability. If any one or more provision,  
44 section, subsection, sentence, clause, phrase or word of this act or  
45 the application thereof to any person or circumstance, or  
46 application to any other section of Idaho Code is found to be  
47 unconstitutional, the same is hereby declared to be severable and

1 the balance of this act shall remain effective notwithstanding such  
2 unconstitutionality. The Legislature hereby declares that it would  
3 have passed this act, and each provision, section, subsection,  
4 sentence, clause, phrase or word thereof, irrespective of the fact  
5 that any one or more provision, section, subsection, sentence,  
6 clause, phrase or word be declared unconstitutional.

7  
8  
9

STATEMENT OF PURPOSE

10 The purpose of this legislation is to protect agricultural  
11 production facilities from interference by wrongful conduct by  
12 providing penalties for such conduct and restitution to an injured  
13 agricultural producer.

14  
15  
16

FISCAL NOTE

17 There are no fiscal impacts.

18  
19  
20

Contact:

## Katharine Gerrity

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**From:** Michelle O'Brien  
**Sent:** Thursday, March 20, 2014 12:13 PM  
**To:** Katharine Gerrity  
**Subject:** RE: SB 1337 under Agriculture

It has been updated. Also, I am assuming HCR 62 is in place of HCR 57?

---

**From:** Katharine Gerrity  
**Sent:** Thursday, March 20, 2014 11:33 AM  
**To:** Michelle O'Brien  
**Subject:** SB 1337 under Agriculture

Michelle – will you please change my description of SB 1337 to the following:

**S1337** - Identifies conduct that constitutes the crime of interference with agricultural production, including obtaining employment with an agricultural production facility by force, threat or misrepresentation with the intent to cause economic or other injury to the facility's operation, and provides for penalties.

Thank you

## Katharine Gerrity

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**From:** Michelle O'Brien  
**Sent:** Thursday, March 20, 2014 12:52 PM  
**To:** Katharine Gerrity  
**Subject:** RE: SB 1337 under Agriculture

Someone else had send in the 57. They will not be on key actions.

---

**From:** Katharine Gerrity  
**Sent:** Thursday, March 20, 2014 12:51 PM  
**To:** Michelle O'Brien  
**Subject:** RE: SB 1337 under Agriculture

Yes, for the Sine Die report – but I didn't submit that as one of my key actions.

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**Subject:** RE: SB 1337 under Agriculture

OK. 62 should be under natural resources for Sine Die. I'll submit it there with my Sine Die submissions. Thanks

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