

SECOND REGULAR SESSION

HOUSE BILL NO. 2095

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (150).

5672H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 576, RSMo, by adding thereto nine new sections relating to the Animal Ecological Terrorism Act, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 576, RSMo, is amended by adding thereto nine new sections, to be
2 known as sections 576.100, 576.103, 576.106, 576.109, 576.112, 576.115, 576.118, 576.121,
3 and 576.124, to read as follows:

**576.100. Sections 576.100 to 576.124 shall be known as the Animal Ecological
2 Terrorism Act.**

576.103. As used in sections 576.100 to 576.124 the following terms shall mean:

2 **(1) “Animal”, any warm-blooded or cold-blooded animal lawfully confined for food,**
3 **fur, or fiber production, agriculture and its related activities, research testing, education,**
4 **companionship, or wildlife;**

5 **(2) “Animal activities”, any activity involving the use of animals or animal parts to**
6 **include hunting, fishing, trapping, traveling, camping, production, preparation or**
7 **processing of food or food products, clothing or garment manufacturing, medical or other**
8 **research, entertainment, recreation, retail, agriculture, biotechnology, or any other services**
9 **involving the use of animals, including the sale of any products therein;**

10 **(3) “Animal facility”, a vehicle, building, structure, research facility, nature**
11 **preserve, or other premises where an animal is lawfully kept, handled, housed, exhibited,**
12 **bred, or offered for sale, to include a zoo, rodeo, circus, amusement park, hunting preserve,**
13 **and horse and dog event;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 (4) “Animal or ecological terrorist organization”, any association, organization,
15 entity, coalition, or combination of two or more persons with the primary or incidental
16 purpose of supporting any politically motivated activity through intimidation, coercion,
17 force, or fear that is intended to obstruct, impede, or deter any person from participating
18 in a lawful animal activity, animal facility, research facility, or the lawful activity of
19 construction, mining, foresting, harvesting, gathering, or processing natural resources;
- 20 (5) “Consent”, agreement in fact, whether express or apparent. Absence of either
21 verbal or nonverbal communication shall not be construed to fall under this definition;
- 22 (6) “Ecological”, the relationship between organisms and their environment;
- 23 (7) “Effective consent”, consent by the owner or by a person legally authorized to
24 act for the owner, unless it is:
- 25 (a) Induced by force or threat;
- 26 (b) Given by a person that the offender knows or reasonably should have known is
27 not an agent for the owner; or
- 28 (c) Given by a person who by reason of youth, mental disease, or defect, or being
29 under the influence of drugs or alcohol is known by the offender to be unable to make
30 reasonable decisions.
- 31 Absence of either verbal or nonverbal communication shall not be construed to fall under
32 this definition;
- 33 (8) “Natural resource”, a material source of wealth, such as timber, fresh water, or
34 a mineral deposit, that occurs in a natural state and has economic value;
- 35 (9) “Notice”, oral or written communication by the owner or someone with apparent
36 authority to act for the owner, fencing or other enclosure obviously designed to exclude
37 intruders or to contain animals, or a sign or signs posted on the property or at the entrance
38 to a building that are reasonably likely to come to the attention of intruders and that
39 indicate that entry is forbidden;
- 40 (10) “Owner”, a person who has title to the property or lawful possession of the
41 property;
- 42 (11) “Person”, an individual, governmental unit, corporation, association, nonprofit
43 corporation, joint-stock company, firm, trust, partnership, limited liability company, two
44 or more persons having a joint or common interest, or some other legal entity;
- 45 (12) “Politically motivated”, any activity where the principle purpose is to influence
46 a unit of government to take a specific action or to persuade the public to take specific
47 action, or to protest the actions of a unit of government, corporation, organization, or the
48 public at large;
- 49 (13) “Possession”, actual care, custody, control, or management;

50 (14) “Research facility”, a place, laboratory, institution, medical care facility,
51 government facility, elementary school, high school, college, university, or nature preserve
52 at which a scientific test, experiment, or investigation involving the use of animals or other
53 ecological organisms is lawfully carried out, conducted, or attempted.

 576.106. 1. A person or animal or ecological terrorist organization will be guilty of
2 the crime of depriving the owner of an animal or natural resource from participating in
3 an animal or natural resource activity if he or she:

4 (1) Obstructs the lawful use of an animal, natural resource, or other property from
5 the owner permanently or for such a period of time that a significant portion of the value
6 or enjoyment of the animal, natural resource, or property is lost to the owner by way of
7 coercion, fear, intimidation, or property damage;

8 (2) Takes or detains the animal, natural resource, or other property and agrees to
9 restore it only upon reward or other compensation; or

10 (3) Disposes of an animal, natural resource, or other property or so alters its
11 condition or usefulness that the value of the animal, natural resource, or other property
12 is substantially reduced; and

13 (4) Is politically motivated to commit the prohibited activity.

14 2. Depriving the owner of an animal or natural resource from participating in an
15 animal or natural resource activity is a class A misdemeanor, unless the person or
16 organization causes more than five hundred dollars in physical damage or destruction of
17 property in which case he or she shall be guilty of a class D felony.

 576.109. 1. A person or animal or ecological terrorist organization will be guilty
2 of the crime of obstructing or impeding the use of an animal facility or the use of a natural
3 resource without the effective consent of the owner if he or she:

4 (1) Damages or destroys an animal or research facility, or other property in or on
5 the premises;

6 (2) Enters an animal or research facility that is at the time closed to the public;

7 (3) Remains concealed in an animal or research facility with the intent to commit
8 any act prohibited by this chapter;

9 (4) Enters an animal or research facility and commits or attempts to commit an act
10 prohibited by this chapter;

11 (5) Enters an animal or research facility to take pictures by photograph, video
12 camera, or other means with the intent to commit criminal activities or defame the facility
13 or its owner; or

14 **(6) Enters or remains on the premises of an animal or research facility if the person**
15 **or organization had notice that the entry was forbidden or received notice to depart but**
16 **failed to do so; and**

17 **(7) Is politically motivated to commit the prohibited activity.**

18 **2. Obstructing or impeding the use of an animal facility or the use of a natural**
19 **resource without the effective consent of the owner is a class A misdemeanor, unless the**
20 **person or organization causes more than five hundred dollars in physical damage or**
21 **destruction of property in which case he or she shall be guilty of a class D felony.**

576.112. 1. A person or animal or ecological terrorism organization will be guilty
2 **of the crime of participating in or supporting animal or ecological terrorism if he or she**
3 **raises, solicits, collects, or provides any person with material, financial support, or other**
4 **resources such as lodging, training, safe houses, false documentation or identification,**
5 **communications, equipment or transportation that will be used in whole or in part to**
6 **encourage, plan, prepare, carry out, publicize, promote, or aid an act of animal or**
7 **ecological terrorism, or the concealment of or an escape from an act of animal or ecological**
8 **terrorism.**

9 **2. Participating in or supporting animal or ecological terrorism is a class A**
10 **misdemeanor, unless the person or organization causes more than five hundred dollars in**
11 **physical damage or destruction of property in which case he or she shall be guilty of a class**
12 **D felony.**

576.115. The provisions of sections 576.100 to 576.124 do not apply to:

2 **(1) A government agency or its employees who are carrying out their responsibilities**
3 **under law;**

4 **(2) Lawful activities of a financial institution or other secured party; or**

5 **(3) A humane animal treatment shelter or its employees whose primary purpose is**
6 **the bona fide control or humane care of animals, when acting within the scope of their**
7 **employment.**

576.118. Any person convicted of, or who pleads guilty to, a violation in section
2 **576.106, 576.109, or 576.112 and as a result of the violation intentionally or negligently**
3 **commits bodily harm to any individual, shall be guilty of a class D felony, unless the person**
4 **or organization causes more than five hundred dollars in physical damage or destruction**
5 **of property in which case he or she shall be guilty of a class C felony.**

576.121. Any person who has been damaged by a violation of section 576.106,
2 **576.109, or 576.112 may bring an action against the person who caused the damage to**
3 **recover an amount equal to three times all economic damages to include the cost of lost or**
4 **damaged property, records, the cost of repeating an interrupted or invalidated experiment,**

5 loss of profits, or other consequential damages as well as court costs and reasonable
6 attorney fees.

576.124. 1. Any person who is convicted of or pleads guilty to a violation of section
2 576.106, 576.109, or 576.112 shall register with the attorney general on a form prescribed
3 by the attorney general.

4 2. The registry shall contain the name, a current residence address, a recent
5 photograph, and signature of the offender.

6 3. The offender is required to provide written notice to the attorney general
7 regarding any change in name or residence address within thirty days of making the
8 change.

9 4. The attorney general shall create and maintain a website containing the
10 information set forth in this section for each person who is required to register.
11 Information regarding an offender must remain on the website for no less than three years
12 at which time the registrant may apply to the attorney general for removal.

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