



Idaho Statutes

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 70

TRESPASS AND MALICIOUS INJURIES TO PROPERTY

18-7040. INTERFERENCE WITH AGRICULTURAL RESEARCH. (1) A person commits the crime of interference with agricultural research if the person knowingly:

(a) Damages any property at an agricultural research facility with the intent to damage or hinder agricultural research or experimentation;

(b) Obtains any property of an agricultural research facility with the intent to damage or hinder agricultural research or experimentation;

(c) Obtains access to an agricultural research facility by misrepresentation with the intent to perform acts that would damage or hinder agricultural research or experimentation;

(d) Enter an agricultural research facility with the intent to damage, alter, duplicate or obtain unauthorized possession of records, data, materials, equipment or specimens related to agricultural research or experimentation;

(e) Without the authorization of the agricultural research facility, obtains or exercises control over records, data, materials, equipment or specimens of the agricultural research facility with the intent to destroy or conceal the records, data, materials, equipment or specimens; or

(f) Releases or steals an animal from, or causes the death, injury or loss of an animal at an agricultural research facility.

(2) A person found guilty of committing the crime of interference with agricultural research shall be guilty of a felony and shall be punished by a term of imprisonment of not more than twenty (20) years or by a fine not in excess of ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(3) For purposes of this section:

(a) "Agricultural research facility" means any structure or land, whether privately or publicly owned, leased or operated, that is being used for agricultural research or experimentation.

(b) "Agricultural research or experimentation" means the lawful study, analysis or testing of plants or animals, or the use of plants or animals to conduct studies, analyses, testing or teaching, for the purpose of improving farming, forestry or animal husbandry.

(4) In addition to any other penalty imposed for a violation of this section, the court shall require any person convicted, found guilty or who pleads guilty to a violation of this section to make restitution to the victim of the offense in accordance with the terms of section 19-5304, Idaho Code; provided, that such award shall be in an amount equal to twice the value of the crop, crop product, timber, timber product, livestock or equipment damaged or destroyed. In ordering restitution

under this section, the court shall, in the determination of value, consider:

(a) The market value of the crop, crop product, timber, timber product, livestock, or equipment that has been damaged or destroyed;

(b) Production, research, testing, replacement and development costs directly related to the crop, crop product, timber, timber product, livestock or equipment that has been damaged or destroyed;

(c) the costs of repeating an experiment, including the replacement of the records, data, equipment, specimens, labor and materials, if acts constituting the violation cause the failure of an experiment in progress or irreparably damage completed research or experimentation.

History:

[18-7040, added 2002, ch. 263, sec. 1, p. 785.]

How current is this law?

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