

76-6-110 Offenses committed against animal enterprises -- Definitions -- Enhanced penalties.

(1) As used in this section:

- (a) "Animal enterprise" means a commercial or academic enterprise that:
 - (i) uses animals for food or fiber production;
 - (ii) is an agricultural operation, including a facility for the production of crops or livestock, or livestock products;
 - (iii) operates a zoo, aquarium, circus, rodeo, or lawful competitive animal event; or
 - (iv) any fair or similar event intended to advance agricultural arts and sciences.
- (b) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.
- (c) "Property" includes any buildings, vehicles, animals, data, or records.

(2)

- (a) A person who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, is subject to an enhanced penalty under Subsection (3).
- (b) Subsection (2)(a) does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.
- (c) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the defendant is subject to the enhanced penalties provided under this section.

(3) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, the penalties are enhanced as provided in this Subsection (3):

- (a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than \$1,000, which is in addition to any term of imprisonment the court may impose;
- (b) a class B misdemeanor is a class A misdemeanor, with a fine of not less than \$2,500, which is in addition to any term of imprisonment the court may impose;
- (c) a class A misdemeanor is a third degree felony, with a fine of not less than \$5,000, which is in addition to any term of imprisonment the court may impose;
- (d) a third degree felony is a second degree felony, with a fine of not less than \$7,500, which is in addition to any term of imprisonment the court may impose; and
- (e) a second degree felony is subject to a fine of not less than \$10,000, which is in addition to any term of imprisonment the court may impose.

Enacted by Chapter 225, 2001 General Session