CHAPTER 21

Farm Animal, Crop Operation, and Research Facilities Protection Act

ARTICLE 1

Citation and Definitions

**SECTION 47‑21‑10.** Short title.

 This chapter may be cited as the “Farm Animal, Crop Operation, and Research Facilities Protection Act”.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 28.50, Crop Operations.

Attorney General’s Opinions

The Farm Animals and Research Facilities Protection Act and the Animal Fighting and Baiting Act as they apply to cock fighters claiming they may “test” their birds against each other. S.C. Op.Atty.Gen. (April 10, 2001) 2001 WL 564588.

**SECTION 47‑21‑20.** Definitions.

 As used in this chapter:

 (1) “Actor” means a person accused of any of the offenses defined in this chapter.

 (2) “Animal” means a warm‑ or cold‑blooded animal used in food or fiber production, agriculture, research, testing, or education, including poultry, fish, and insects.

 (3) “Animal facility” includes a vehicle, building, structure, or premises where an animal is kept, tested, handled, housed, exhibited, bred, or offered for sale and includes a research facility where research or testing on animals is conducted.

 (4) “Consent” means assent in fact, whether express or apparent.

 (5) “Crop operation” includes a vehicle, building, structure, or premises where a crop is raised, maintained, tested, handled, housed, exhibited, or offered for sale and includes a research facility where research on or testing of crops is conducted.

 (6) “Deprive” means:

 (a) to withhold an animal or other property from the owner permanently or for such an extended time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

 (b) to restore the animal or other property only upon payment for reward or other compensation; or

 (c) to dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

 (7) “Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if:

 (a) induced by force, threat, false pretenses, or fraud;

 (b) given by a person the actor knows is not legally authorized to act for the owner;

 (c) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

 (d) given solely to detect the commission of an offense.

 (8) “Owner” means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

 (9) “Person” means an individual, corporation, association, nonprofit corporation, joint‑stock company, firm, trust, partnership, two or more persons having a joint or common interest, or other legal entity.

 (10) “Possession” means actual care, custody, control, or management.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

ARTICLE 3

Animal Facilities

**SECTION 47‑21‑30.** Unlawful acquisition or exercise of control.

 Without the effective consent of the owner, it is unlawful for a person to acquire or otherwise exercise control over an animal facility, an animal from an animal facility, or other property from an animal facility with the intent to deprive the owner of the facility, animal, or property, and to disrupt or damage the enterprise conducted at the animal facility.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties for violation of this section, see Section 47‑21‑80.

Library References

Animals 3.5(6).

Westlaw Topic No. 28.

C.J.S. Animals Section 199.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 13, Use of a Deadly Weapon.

S.C. Jur. Burglary Section 17, of Another.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

**SECTION 47‑21‑40.** Unlawful damage or destruction.

 Without the effective consent of the owner, it is unlawful for a person to damage or destroy an animal facility, an animal, or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties for violation of this section, see Section 47‑21‑80.

Library References

Animals 3.5(6).

Westlaw Topic No. 28.

C.J.S. Animals Section 199.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 13, Use of a Deadly Weapon.

S.C. Jur. Burglary Section 17, of Another.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

**SECTION 47‑21‑50.** Unlawful entry or concealed presence.

 Without the effective consent of the owner, and with the intent to disrupt or damage the enterprise conducted at the animal facility, it is unlawful for a person to:

 (1) enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

 (2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility; or

 (3) enter an animal facility and commit or attempt to commit an act prohibited by this section.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties for violation of this section, see Section 47‑21‑80.

Library References

Animals 3.5(6).

Westlaw Topic No. 28.

C.J.S. Animals Section 199.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Assault and Battery Section 13, Use of a Deadly Weapon.

S.C. Jur. Burglary Section 17, of Another.

S.C. Jur. Homicide Section 14, Definition of Murder.

S.C. Jur. Homicide Section 22, The Felony Murder Rule.

S.C. Jur. Sports Law Section 43, South Carolina Legislation.

**SECTION 47‑21‑60.** Unlawful entry or presence with notice to not enter or leave.

 (A) Without the effective consent of the owner, it is unlawful for a person to enter or remain in an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:

 (1) had notice that the entry was forbidden; or

 (2) received notice to depart but failed to do so.

 (B) For purposes of this section, “notice” means:

 (1) oral or written communication by the owner or someone with apparent authority to act for the owner;

 (2) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

 (3) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties for violation of this section, see Section 47‑21‑80.

Library References

Animals 3.5(6).

Westlaw Topic No. 28.

C.J.S. Animals Section 199.

**SECTION 47‑21‑70.** Exemptions.

 This chapter does not apply to, affect, or otherwise prohibit actions taken by:

 (1) the Department of Agriculture, any other federal, state, or local department or agency, or an official or employee of these entities while in the exercise or performance of a power or duty imposed by law or regulation;

 (2) a licensed veterinarian practicing veterinary medicine pursuant to Chapter 69, Title 40 and according to customary standards of care; or

 (3) a person holding a legal interest in an animal facility, an animal from an animal facility, or other property in or on an animal facility who has an interest in the facility, animal, or other property superior to the interest held by the person incurring damages.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Animals 3.5(6).

Westlaw Topic No. 28.

C.J.S. Animals Section 199.

**SECTION 47‑21‑80.** Violations; penalties.

 (A) A person violating Sections 47‑21‑30, 47‑21‑40, and 47‑21‑50 is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both.

 (B) A person violating Section 47‑21‑60 is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

HISTORY: 1992 Act No. 327, Section 1, eff April 10, 1992; 1993 Act No. 184, Section 102, eff January 1, 1994; 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Animals 3.5(10).

Westlaw Topic No. 28.

C.J.S. Animals Section 225.

**SECTION 47‑21‑90.** Damages; attorney fees and costs.

 A person who suffers damages resulting from the commission of an act prohibited by this article has a civil cause of action for treble the amount of his actual damages, for consequential damages, for punitive damages, an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney’s fees and costs.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Animals 3.5(9).

Westlaw Topic No. 28.

C.J.S. Animals Sections 202 to 203, 215 to 225.

ARTICLE 5

Crop Operations

**SECTION 47‑21‑200.** Unlawful acquisition or exercise of control.

 Without the effective consent of the owner, it is unlawful for a person to acquire or otherwise exercise control over a crop operation, a crop from a crop operation, or other property from a crop operation with the intent to deprive the owner of the operation, crop, or property, and to disrupt or damage the enterprise conducted at the crop operation.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties, see Section 47‑21‑250.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 28.50, Crop Operations.

**SECTION 47‑21‑210.** Unlawful damage or destruction.

 Without the effective consent of the owner, it is unlawful for a person to damage or destroy a crop operation, a crop, or property in or on a crop operation with the intent to disrupt or damage the enterprise conducted at the crop operation.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties, see Section 47‑21‑250.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 28.50, Crop Operations.

**SECTION 47‑21‑220.** Unlawful entry or concealed presence.

 Without the effective consent of the owner, and with the intent to disrupt or damage the enterprise conducted at the crop operation, it is unlawful for a person to:

 (1) enter a crop operation, not then open to the public, with intent to commit an act prohibited by this section;

 (2) remain concealed, with intent to commit an act prohibited by this section, in a crop operation; or

 (3) enter a crop operation and commit or attempt to commit an act prohibited by this section.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

CROSS REFERENCES

Penalties, see Section 47‑21‑250.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 28.50, Crop Operations.

**SECTION 47‑21‑230.** Unlawful entry or presence with notice to not enter or leave.

 (A) Without the effective consent of the owner, it is unlawful for a person to enter or remain in a crop operation with the intent to disrupt or damage the enterprise conducted at the crop operation, and the person:

 (1) had notice that the entry was forbidden; or

 (2) received notice to depart but failed to do so.

 (B) For purposes of this section, “notice” means:

 (1) oral or written communication by the owner or someone with apparent authority to act for the owner;

 (2) fencing or other enclosure obviously designed to exclude intruders or to contain a crop; or

 (3) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 28.50, Crop Operations.

**SECTION 47‑21‑240.** Exemptions.

 This chapter does not apply to, affect, or otherwise prohibit actions taken by:

 (1) the Department of Agriculture, any other federal, state, or local department or agency, or an official or employee of these entities while in the exercise or performance of a power or duty imposed by law or regulation; or

 (2) a person holding a legal interest in a crop operation, a crop from a crop operation, or other property in or on a crop operation who has an interest in the operation, crop, or other property superior to the interest held by the person incurring damages.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

**SECTION 47‑21‑250.** Violations; penalties.

 (A) A person violating Sections 47‑21‑200, 47‑21‑210, and 47‑21‑220 is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both.

 (B) A person violating Section 47‑21‑230 is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.

**SECTION 47‑21‑260.** Damages; attorney fees and costs.

 A person who suffers damages resulting from the commission of an act prohibited by this article has a civil cause of action for treble the amount of his actual damages, for consequential damages, for punitive damages, an injunction, and any other appropriate relief in law or equity. Upon prevailing in the civil action, the plaintiff may recover reasonable attorney’s fees and costs.

HISTORY: 2012 Act No. 220, Section 1, eff June 7, 2012.

Library References

Crops 8.

Westlaw Topic No. 111.

C.J.S. Crops Sections 11, 16, 18.