

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 663, Page 118, Section 569.090, Line 12

of said page, by inserting after all of said line the following:

"569.132. 1. This section shall be known and may be cited as the "Crop Protection Act".

2. A person commits the offense of prohibited acts involving crops if he or she:

(1) Intentionally causes the loss of any crop;

(2) Intentionally contaminates, weakens, damages, vandalizes, or steals any property in or on land on which a crop is located;

(3) Obtains access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) Enters or otherwise interferes with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly obtains, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop; or

(6) Enters or remains on land on which a crop is located with the intent to commit an act prohibited by this section.

3. The offense of prohibited acts involving crops is a

1 class A misdemeanor for each such violation unless:

2 (1) The loss or damage to the crop is seven hundred fifty  
3 dollars or more, in which case it is a class E felony;

4 (2) The loss or damage to the crop is one thousand dollars  
5 or more, in which case it is a class D felony;

6 (3) The loss or damage to the crop is twenty-five thousand  
7 dollars or more, in which case it is a class C felony;

8 (4) The loss or damage to the crop is seventy-five thousand  
9 dollars or more, in which case it is a class B felony.

10 4. Any person who has been damaged by a violation of this  
11 section shall have a civil cause of action under section 537.353.

12 5. Nothing in this section shall preclude any owner or  
13 operator injured in his or her business or on his or her property  
14 by a violation of this section from seeking appropriate relief  
15 under any other provision of law or remedy including the issuance  
16 of an injunction against any person who violates this section.  
17 The owner or operator of the business may petition the court to  
18 permanently enjoin such persons from violating this section, and  
19 the court shall provide such relief.

20 6. The director of the department of agriculture shall have  
21 the authority to investigate any alleged violation of this  
22 section, along with any other law enforcement agency, and may  
23 take any action within the director's authority necessary for the  
24 enforcement of this section. The attorney general, the highway  
25 patrol, and other law enforcement officials shall provide  
26 assistance required for the investigation.

27 7. The director may promulgate rules and regulations  
28 necessary for the enforcement of this section. Any rule or  
29 portion of a rule, as that term is defined in section 536.010

1 that is created under the authority delegated in this section  
2 shall become effective only if it complies with and is subject to  
3 all of the provisions of chapter 536, and, if applicable, section  
4 536.028. This section and chapter 536 are nonseverable and if  
5 any of the powers vested with the general assembly under chapter  
6 536, to review, to delay the effective date, or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the  
8 grant of rulemaking authority and any rule proposed or adopted  
9 after January 1, 2017, shall be invalid and void."; and

10 Further amend said bill, Page 180, Section 578.040, Line 12  
11 of said page, by inserting after all of said line the following:

12 "578.416. No person shall:

13 (1) Intentionally cause the loss of any crop;

14 (2) Intentionally contaminate, weaken, damage, vandalize,  
15 or steal any property in or on a crop;

16 (3) Obtain access to a crop by false pretenses for the  
17 purpose of performing acts not authorized by the landowner;

18 (4) Enter or otherwise interfere with a crop with the  
19 intent to destroy, alter, duplicate or obtain unauthorized  
20 possession of such crop;

21 (5) Knowingly obtain, by theft or deception, control over a  
22 crop for the purpose of depriving the rightful owner of such  
23 crop, or for the purpose of destroying such crop;

24 (6) Enter or remain on land on which a crop is located with  
25 the intent to commit an act prohibited by this section."; and

26 Further amend the title and enacting clause accordingly.