CHAPTER 12.1-21.1
ANIMAL RESEARCH FACILITY DAMAGE

12.1-21.1-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Animal" means any living organism that is used in food, fur, or fiber production, agriculture, research, testing, or education. The term does not include a human being, plant, or bacteria.
2. "Animal facility" means any vehicle, building, structure, research facility, premises, or defined area where an animal is kept, handled, housed, exhibited, bred, or offered for sale.
3. "Deprive" means to:
   a. Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;
   b. Restore the animal or property only upon payment of a reward or other compensation; or
   c. Dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.
4. "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:
   a. Induced by force or threat;
   b. Given by a person the offender knows is not legally authorized to act for the owner; or
   c. Given by a person who by reason of age, mental disease or defect, or influence of drugs or alcohol is known by the offender to be unable to make a reasonable decision.
5. "Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the actor.
6. "Possession" means actual care, custody, control, or management.
7. "Research facility" means any place at which any scientific test, experiment, or investigation involving the use of any living animal is carried out, conducted, or attempted.

12.1-21.1-02. Animal facility - Damage or destruction.

No person without the effective consent of the owner may:

1. Intentionally damage or destroy an animal facility, an animal or property in or on the animal facility, or any enterprise conducted at the animal facility.
2. Acquire or otherwise exercise control over an animal facility or an animal or other property from an animal facility with the intent to deprive the owner and to damage the enterprise conducted at the facility.
3. Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section.
4. Enter an animal facility and remain concealed with intent to commit an act prohibited by this section.
5. Enter an animal facility and commit or attempt to commit an act prohibited by this section.
6. Enter an animal facility and use or attempt to use a camera, video recorder, or any other video or audio recording equipment.
7. Intentionally turn out or release any animal in or on an animal facility.

This section does not apply to lawful activities of a governmental agency carrying out its duties under law.

12.1-21.1-03. Entry forbidden - Notice.

No person may without the effective consent of the owner, and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility, if the person had notice that the entry was forbidden or received notice to depart but failed to do so. Notice includes communication by the owner or someone with apparent authority to act for the owner, fencing or other enclosures designed to exclude intruders or to contain animals, or a sign posted on the property or at the entrance to the animal facility indicating that entry is forbidden.

12.1-21.1-04. Penalty.

A person who violates subsection 1 of section 12.1-21.1-02 is guilty of a class B felony if there is damage of ten thousand dollars or more, a class C felony if there is damage of at least five hundred dollars but less than ten thousand dollars, and a class A misdemeanor if there is damage of less than five hundred dollars. A person who violates subsections 2 through 5 or 7 of section 12.1-21.1-02 is guilty of a class C felony. A person who violates subsection 6 of section 12.1-21.1-02 is guilty of a class B misdemeanor.

12.1-21.1-05. Civil action.

A person who has been damaged by reason of violation of this chapter may bring an action in the district court against the person causing the damage to recover an amount equal to three times all actual and consequential damages and court costs and reasonable attorney fees.

This chapter does not affect any other rights of a person who has been damaged by reason of violation of this chapter.