

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

572E0206

HOUSE BILL NO. 1169

Introduced by: Representatives Jaspers, Begalka, Duenwald, Flowers, Hanson (Gary), Hargens, Jensen, Juhnke, and Pederson (Gordon) and Senators Diedrich (Larry), Dennert, Drake, Duxbury, Greenfield, Hainje, and Symens

1 FOR AN ACT ENTITLED, An Act to establish a penalty for the destruction of certain field crop
2 products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person may, willfully and knowingly, damage or destroy any field crop product
5 that is grown for personal or commercial purposes, or for testing or research purposes in the
6 context of a product development program in conjunction or coordination with a private research
7 facility or a university or any federal, state, or local government agency. Any person who violates
8 this provision is liable for twice the value of the crop damaged or destroyed.

9 Section 2. In awarding damages under this Act, the court shall consider the market value of
10 the crop prior to damage or destruction, and production, research, testing, replacement, and crop
11 development costs directly related to the crop that has been damaged or destroyed as part of the
12 value of the crop.

13 Section 3. Damages available under this Act are limited to twice the market value of the crop
14 prior to damage or destruction plus twice the actual damages involving production, research,

- 1 testing, replacement, and crop development costs directly related to the crop that has been
- 2 damaged or destroyed.