

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 218  
Committee Substitute Favorable 4/19/01  
Committee Substitute #2 Favorable 4/25/01

Short Title: Injury to Commodities or Production Systems.

(Public)

Sponsors:

Referred to:

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE  
DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION  
SYSTEMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 43 of Chapter 1 of the General Statutes is amended by  
adding a new section to read:

**"§ 1-539.2B. Treble damages for injury to agricultural commodities or production  
systems; additional damages for certain agricultural commodities or  
production systems.**

(a) Any person who unlawfully and willfully injures or destroys any other  
person's agricultural commodities or production system is liable to the owner for three  
times the value of the commodities or production system injured or destroyed.

(b) For purposes of this section, the value of agricultural commodities that are  
grown for educational, testing, or research purposes includes all of the following:

(1) The diminution in market value of the commodities when the  
commodities were grown for sale and the plaintiff is the entity who  
sold the commodities or would have sold the commodities but for their  
injury or destruction.

(2) Costs to the plaintiff for research and development of the injured or  
destroyed commodities.

(3) Other incidental and consequential damages proven to have been  
incurred by the plaintiff.

(c) For the purpose of this section, the following definitions apply:

(1) 'Agricultural commodities' means commodities produced from the  
cultivation of soil or hydroponics or any other method of production  
for production of crops, including fruits, vegetables, flowers and  
ornamental plants, the planting and production of trees, timber, forests

1                    or forest products, and the raising of livestock and poultry and eggs,  
2                    for individual and public use, consumption, and marketing. The term  
3                    'agricultural commodities' also includes seed, genetic material, tissue  
4                    cultures and any research and development materials, information, and  
5                    records. Further, for the purposes of this section, aquaculture is  
6                    considered a form of agriculture pursuant to G.S. 106-758.

7                    (2) 'Production systems' means land, buildings, and equipment used in the  
8                    production of agricultural commodities."

9                    **SECTION 2.** This act becomes effective October 1, 2001, and applies to acts  
10                    that occur on or after that date.