

ASSEMBLY, No. 170

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 24 (Morris, Sussex and Warren)

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Assemblyman Dancer

SYNOPSIS

Prohibits harassment of farmers engaged in farming operations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning harassment of farmers and supplementing Title
2 4 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. As used in this act:

8 “**Agricultural products**” includes crops, dairy animals, livestock,
9 fur-bearing animals, poultry, bees, aquacultural products,
10 horticultural products, and trees and forest products.

11 “**Farmer**” means any person engaged in the commercial growing,
12 harvesting, producing, or raising of agricultural products.

13

14 2. No person may, for the purpose of hindering or preventing
15 the lawful farming of agricultural products, harass, bother, or
16 otherwise interfere with a farmer engaged in farming operations.

17 This section shall not apply to a law enforcement officer
18 enforcing the laws of this State or any local ordinance.

19

20 3. a. The Secretary of Agriculture may institute a civil action
21 in the Superior Court for injunctive and other relief for a violation
22 of this act, and the court may proceed in the action in a summary
23 manner.

24 b. A person who violates this act shall be guilty of a petty
25 disorderly persons offense; however, for a second or subsequent
26 violation, the person shall be guilty of a disorderly persons offense.

27 c. A person who violates this act shall be liable to a civil
28 penalty of not less than \$250 nor more than \$500 for each offense,
29 to be collected in a summary proceeding under the “Penalty
30 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
31 The Superior Court and the municipal court for the municipality in
32 which the violation occurred shall have jurisdiction to enforce the
33 “Penalty Enforcement Law of 1999.”

34 d. For the purposes of subsections b. and c. of this section, if
35 the violation is of a continuing nature, each day during which it
36 continues shall constitute an additional, separate, and distinct
37 offense.

38 e. In addition to bringing a civil action for injunctive relief or
39 any other relief provided by law, a person who is adversely affected
40 by a violation of this act may bring a civil action for damages,
41 including punitive damages and special damages, against the
42 violator. Special damages may include, but need not be limited to,
43 lost profits and the cost of damages to any farmland, supplies,
44 equipment, and agricultural products caused by the activities of the
45 violator.

46

47 4. This act shall take effect immediately.

STATEMENT

This bill prohibits harassing, bothering, or otherwise interfering with a farmer engaged in farming operations for the purpose of hindering or preventing the lawful farming of agricultural products. For the purposes of this bill, agricultural products include, but are not limited to, crops, dairy animals, livestock, fur-bearing animals, poultry, bees, aquacultural products, trees, and forest products.

A person who harasses a farmer would be guilty of a petty disorderly persons offense, the penalty for which is imprisonment for up to 30 days, a fine of up to \$500, or both imprisonment and a fine. For a second or subsequent offense, the violator would be guilty of a disorderly persons offense, punishable by imprisonment for up to six months, a fine of up to \$1,000, or both imprisonment and a fine. A violator would also be subject to a civil penalty of between \$250 and \$500 for each violation. If the violation is of a continuing nature, each day during which it continues would constitute a separate offense. The Secretary of Agriculture would be authorized to seek injunctive and other relief against a violator.

The bill also provides that a person who is adversely affected by a violation would be able to bring a civil action for injunctive and other relief as well as for damages, including punitive damages and special damages, against the violator. Special damages would include, but need not be limited to, lost profits and the cost of damages to farmland, supplies, equipment, and agricultural products caused by the activities of the violator.