

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 261

Short Title: Treble Damages for Injury to Agricultural Crops. (Public)

Sponsors: Senators Albertson; Carpenter, Carter, Dalton, Garwood, Gulley, Harris, Hartsell, Kerr, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Robinson, Swindell, Warren, Weinstein, and Wellons.

Referred to: Judiciary I.

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL CROPS AND PLANTS.

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 crops and plants; additional damages for certain agricultural crops and plants.

(a) Any person who willfully injures or destroys any other person's agricultural crops or agricultural plants is liable for three times the value of the crops or plants injured or destroyed.

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

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

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

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

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