

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board

--in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Did you know the trade group for the gas industry was a corporate co-chair in 2011?

The Animal and Ecological Terrorism Act (AETA)

Summary

This act creates penalties for persons encouraging, financing, assisting or engaged in { optional language insert "politically motivated" } acts of animal and ecological terrorism.

Model Legislation

Section 1. {Short Title} This act shall be known as The Animal Ecological Terrorism Act.

Section 2. {Definitions}

A. "Animal" means any warm-blooded or cold-blooded animal lawfully confined for food, fur, or fiber production, agriculture and its related activities, research, testing, education or wildlife.

B. "Animal activities" means any activity involving the use of animals or animal parts to include hunting, fishing, trapping, traveling, camping, production, preparation or processing of food or food products, clothing or garment manufacturing, medical or other research, entertainment, recreation, retail, agriculture, biotechnology, or any other services involving the use of animals, including the sale of any products therein.

C. "Animal facility" includes a vehicle, building, structure, research facility, nature preserve or other premises where an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, to include a zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.

D. "Animal or ecological terrorist organization" means any association, organization, entity, coalition, or combination of two or more persons with the primary or incidental purpose of supporting any { optional language insert "politically motivated" } activity through intimidation, coercion, force, or fear that is intended to obstruct, impede or deter any person from participating in a lawful animal activity, animal facility, research facility, or the lawful activity of construction, mining, foresting, harvesting, gathering or processing natural resources.

E. "Consent" means agreement in fact, whether express or apparent. Absence of either verbal or nonverbal communication shall not be construed to fall under this definition.

F. "Ecological" means the relationship between organisms and their environment.

G. "Effective consent" means consent by the owner or by a person legally authorized to act for the owner. Absence of either verbal or nonverbal communication shall not be

construed fall under this definition. Consent is not effective if it is:

(1) induced by force or threat;

(2) given by a person that the offender knows or reasonable should have known is not an agent for the owner; or

(3) given by a person who by reason of youth, mental disease or defect, or being under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

H. "Natural resource" means a material source of wealth, such as timber, fresh water, or a mineral deposit, that occurs in a natural state and has economic value.

I. "Notice" means:

(1) oral or written communication by the owner or someone with apparent authority to act for the owner;

(2) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(3) a sign or signs posted on the property or at the entrance to a building that are reasonably likely to come to the attention of intruders and that indicate that entry is forbidden.

J. "Owner" means a person who has:

(1) title to the property; or

(2) lawful possession of the property.

K. "Person" means an individual, governmental unit, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, limited liability company, two or more persons having a joint or common interest, or some other legal entity.

L. "Possession" means actual care, custody, control, or management.

M. "Research facility" means a place, laboratory, institution, medical care facility, government facility, elementary school, high school, college, university, or nature preserve at which a scientific test, experiment, or investigation involving the use of animals or other ecological organisms is lawfully carried out, conducted, or attempted.

N. {Optional language insert "Politically motivated" means any activity where the principle purpose is to influence a unit of government to take a specific action or to persuade the public to take specific action, or to protest the actions of a unit of government, corporation, organization or the public at large.}

Section 3. {Prohibited Acts}

A. An animal or ecological terrorist organization or any person acting on its behalf or at its request or for its benefit or any individual whose intent to commit the activity was {optional language insert "politically motivated"} is prohibited from:

1. Depriving the owner of an animal or natural resource from participating in an animal or natural resource activity by:

(a) **obstructing** the lawful use of an animal, natural resource or other property from the owner permanently or for such a period of time that a significant portion of the value or enjoyment of the animal, natural resource or property is lost to the owner by way of coercion, fear, intimidation, or property damage.

(b) taking or detaining the animal, natural resource or other property and agree to restore it only upon reward or other compensation; or

(c) disposing of an animal, natural resource or other property or to so alter its condition or usefulness that the value of the animal, natural resource or other property is substantially reduced.

2. **Obstructing** or **impeding** the use of an animal facility or the use of a natural resource without the effective consent of the owner by:

(a) damaging or destroying an animal or research facility, or other property in or on the premises;

(b) **entering an animal or research facility that is at the time closed to the public;**

(c) **remaining concealed in an animal or research facility with the intent to commit an act prohibited by this chapter;**

(d) entering an animal or research facility and committing or attempting to commit an act prohibited by this chapter;

(e) **entering an animal or research facility to take pictures by photograph, video camera, or other means with the intent to commit criminal activities or defame the facility or its owner;**

(f) entering or remaining on the premises of an animal or research facility if the person or organization:

(i) had notice that the entry was forbidden; or,

(ii) received notice to depart but failed to do so.

3. **Participating in or supporting animal or ecological terrorism to include raising, soliciting, collecting or providing any person with material, financial support or other resources such as lodging, training, safe houses, false documentation or identification, communications, equipment or transportation that will be used in whole or in part, to encourage, plan, prepare, carry out, publicize, promote or aid an act of animal or ecological terrorism, the concealment of, or an escape from, an act of animal or ecological terrorism.**

B. The provisions of this chapter do not apply to activities of a:

1. Government agency or its employees who are carrying out their responsibilities under law or to lawful activities of a financial institution or other secured party; and

2. Humane animal treatment shelter or its employees whose primary purpose is the bona fide control or humane care of animals shelter when acting within the scope of their employment.

Section 4. {Damages and Penalties}

A. **A person that violates the Animal and Ecological Terrorism Act and that results in \$500 or less in physical damage or destruction of property shall be guilty of a {enter appropriate high degree misdemeanor} and fined not more than {insert appropriate dollar amount} or be imprisoned in the county jail for a term not to exceed {insert**

appropriate time period}, or both.

B. A person that violates the Animal and Ecological Terrorism Act and that results in more than \$500 in physical damage or destruction of property shall be guilty of a {enter appropriate low degree felony} and fined not more than {insert appropriate dollar amount} or be imprisoned in the state prison for a term not to exceed {insert appropriate time period}, or both.

C. Any person convicted of or that pleads guilty to violating the Animal and Ecological Terrorism Act and such activity intentionally or negligently results in bodily harm to any individual, the penalty classification shall be elevated one (1) degree. [Optional to make a distinction between penalties for intentional and negligent guilt, with stiffer penalty going to intentional act.]

D. A person who has been damaged by a violation of the Animal and Ecological Terrorism Act may bring against the person who caused the damage an action in {enter name of appropriate court} court to recover:

1. an amount equal to three times all economic damages to include the cost of lost or damaged property, records, the cost of repeating an interrupted or invalidated experiment, loss of profits or other consequential damages; and

2. court costs and reasonable attorney fees.

Section 5. {Terrorist Registry} There is hereby created the registry of animal and ecological terrorists. A person who is convicted of or pleads guilty to an act that violates any section of the Animal and Ecological Terrorism Act shall be registered with the Attorney General on a form prescribed by the Attorney General. The registry shall contain the name, a current residence address, a recent photograph and signature of the offender. The offender is required to provide written notice to the Attorney General regarding any change in name or residence address within thirty (30) days of making the change. The Attorney General shall create a website containing the information set forth in this paragraph for each person who is convicted or pleads guilty to a violation of this Act. Information regarding an offender shall remain on the website for no less than three (3) years at which time the registrant may apply to the Attorney General for removal after a hearing on the application for removal.

Adopted by the Criminal Justice Task Force at the States and Nation Policy Summit December 14, 2002; amended at the Annual Meeting July 31, 2003; amended at the States and Nation Policy Summit December 11, 2003. Approved by the full ALEC Board of Directors January, 2004.

From CMD: This bill aims to criminalize environmental activism deemed "eco-terrorism" by this act. It appears to be a state-level effort to expand the federal Animal Enterprise Terrorism Act to also cover activist opposition to energy, forestry, or other businesses. While it penalizes property destruction and "liberating" animals on farms or in circuses, it also significantly increases penalties for a broad range of more common activist activities including sit-ins (Sect 2), "obstruction" of business operations, and filming or photographing a business operation (such as filming an animal processing facility). It also criminalizes "material support" for any of these activities, which could have the impact of criminalizing environmental groups who have more radical members. The "material support" provision also covers efforts to "publicize" or "promote" radical environmental activities, which would criminalize those who vocally support radical environmentalists (raising free speech concerns). Any property damage over \$500 would be considered a felony (conviction of a felony can result in lengthy imprisonment and the stripping of voting rights).

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