

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5136

(As passed the House, February 21, 2002)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2973.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 2973. (1) A PERSON WHO INTENTIONALLY DAMAGES OR
2 DESTROYS ALL OR PART OF A FIELD CROP BELONGING TO ANOTHER PERSON
3 PRODUCED FOR CROP RESEARCH OR TESTING PURPOSES IS LIABLE IN A
4 CIVIL ACTION FOR DAMAGES AND COSTS AND FEES AS FURTHER DESCRIBED
5 IN SUBSECTION (2).
- 6 (2) THE COURT SHALL AWARD DAMAGES AS WELL AS COSTS AND FEES
7 ASSOCIATED WITH AN ACTION BROUGHT UNDER SUBSECTION (1) TO A PRE-
8 VAILING PLAINTIFF IN THE FOLLOWING AMOUNTS:
- 9 (A) TWICE THE MARKET VALUE OF THE FIELD CROP DAMAGED OR
10 DESTROYED.

HB 5136, As Passed Senate, April 10, 2002

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1 (B) IF APPLICABLE, THE VALUE OF THE CROP RESEARCH OR
2 TESTING.

3 (3) AS USED IN THIS SECTION:

4 (A) "COSTS AND FEES" MEANS THE NORMAL COSTS INCURRED IN
5 BEING A PARTY IN A CIVIL ACTION AFTER AN ACTION HAS BEEN FILED
6 WITH THE COURT, THOSE PROVIDED BY LAW OR COURT RULE, AND THE
7 FOLLOWING:

8 (i) THE REASONABLE AND NECESSARY EXPENSES OF EXPERT WIT-
9 NESSES AS DETERMINED BY THE COURT.

10 (ii) THE REASONABLE COST OF ANY STUDY, ANALYSIS, ENGINEERING
11 REPORT, TEST, OR PROJECT THAT IS DETERMINED BY THE COURT TO HAVE
12 BEEN NECESSARY FOR THE PREPARATION OF THE PARTY'S CASE.

13 (iii) REASONABLE ATTORNEY FEES.

14 (B) "CROP RESEARCH OR TESTING" MEANS A CROP PRODUCED IN CON-
15 JUNCTION WITH OR AS PART OF A PRIVATE RESEARCH OR TESTING PROGRAM
16 OR FACILITY OR A RESEARCH OR TESTING PROGRAM FUNDED BY A FEDERAL,
17 STATE, OR LOCAL GOVERNMENTAL AGENCY.

18 (C) "FIELD CROP" MEANS PLANTS THAT INCLUDE, BUT ARE NOT
19 LIMITED TO, THOSE CONSIDERED AND GROWN AS PRODUCTION CROPS, ORNA-
20 MENTALS, VEGETABLES, FRUIT, TURF, HORTICULTURAL CROPS, INDUSTRIAL
21 CROPS, PLANTS GROWN FOR THE PRODUCTION OF PHARMACEUTICALS OR SIM-
22 ILAR USE, SEED PRODUCTION CROPS, LIVESTOCK CROPS, AND ANIMAL FEED
23 CROPS.