

May 12, 2004

The Honorable Ken Bennett
President
Arizona State Senate
1700 W. Washington Street
Senate Office Building
Phoenix, AZ 85007

Re: Senate Bill 1081; ecological and animal terrorism

Dear President Bennett:

Today I vetoed Senate Bill 1081, ecological and animal terrorism bill. This bill is overbroad, unnecessary, and susceptible to a host of unintended and negative consequences.

The definition of "animal or ecological terrorism" contained in Senate Bill 1081 is broader than the definition of "terrorism" under existing Arizona law. Unlike "terrorism," which requires "intentional or knowing" conduct and an intent to either influence policy decisions or cause substantial damage to essential services, see *A.R.S. § 13-2301(C)(8)*, the definition of "animal or ecological terrorism" would include even "reckless" conduct. I see no basis for allowing a lesser mental state for "animal or ecological" terrorists than for other terrorists.

Attorney General Goddard has reviewed existing state law and concluded that it provides adequate protection against acts of ecoterrorism. As he indicated to me in a May 6, 2004 letter, "while some conduct by animal or ecological advocates crosses the line into criminal conduct deserving of criminal sanctions ... existing criminal laws adequately sanction these behaviors. ...[T]he sweeping provisions of Senate Bill 1081 are so broad that they will result in unintended consequences and unnecessarily threaten protected speech."

In light of the above, I am vetoing the bill.

Yours very truly,

Janet Napolitano
Governor

cc: Hon. Jake Flake
Hon. Thayer Verschoor