

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 707

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ESTRAYS; AMENDING SECTION 25-2301, IDAHO CODE, TO PROVIDE FOR TRESPASSING LIVESTOCK; AMENDING SECTION 25-2302, IDAHO CODE, TO REVISE A TIME REQUIREMENT; AMENDING SECTION 25-2309, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHARGES FOR CARE; AMENDING CHAPTER 23, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2313, IDAHO CODE, TO PROVIDE FOR CERTAIN PENALTIES AND DAMAGES FOR WILLFULLY ALLOWING ESTRAYS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25-2301, Idaho Code, be, and the same is hereby amended to read as follows:

25-2301. STRAY OR ESTRAY DEFINED. Stray or estray means any livestock whose owner is unknown or cannot be located, or any trespassing livestock whose owner is known but who permits livestock to roam at large on public or private lands contrary to law or regulation and without permission.

SECTION 2. That Section 25-2302, Idaho Code, be, and the same is hereby amended to read as follows:

25-2302. DUTY OF SHERIFF OR BRAND INSPECTOR. When a sheriff or brand inspector finds stray livestock or stray livestock are reported to him, he shall attempt to locate the owner and to notify the owner where the livestock may be found. If the owner refuses to, or does not take possession of the livestock within ~~five (5)~~ three (3) days after being notified of the location of the livestock, or if the owner is unknown or cannot be located, the sheriff or brand inspector shall seize the livestock or have some person hold and care for the livestock on behalf of the sheriff or brand inspector and the sheriff or brand inspector shall proceed to sell the livestock at a local public livestock market as provided for by law to the highest bidder for cash, after giving at least fifteen (15) days public notice of the sale.

SECTION 3. That Section 25-2309, Idaho Code, be, and the same is hereby amended to read as follows:

25-2309. CHARGES FOR CARE, ADVERTISING AND SALE. The sheriff, brand inspector, or person authorized by either of them to feed and care for stray livestock shall receive all actual expenses incurred; but food and care shall not be charged at a rate to exceed ~~two dollars (\$2.00)~~ five dollars (\$5.00) per head per day for cattle and horses nor more than ~~seventy-five cents (75¢)~~ two dollars (\$2.00) per head per day for other animals from the time that the sheriff or brand inspector is notified that the livestock has been taken up as estray. The sheriff or brand inspector or livestock market shall receive like costs for any time during which the livestock are in

1 their possession. The sheriff or brand inspector may also charge and re-  
2 ceive mileage and inspection fees for inspecting any estray livestock for  
3 the purpose of determining ownership of the livestock at the rates provided  
4 for by law or regulation. Also, standard fees shall be payable for sale by  
5 the livestock market and for health and brand inspection and assessments or  
6 taxes for sale of livestock as provided for by law.

7 SECTION 4. That Chapter 23, Title 25, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 25-2313, Idaho Code, and to read as follows:

10 25-2313. WILLFULLY ALLOWING ESTRAYS -- DAMAGE. (1) A person who will-  
11 fully allows livestock under their control to stray as defined in section  
12 25-2301, Idaho Code, shall be guilty of a misdemeanor and subject to a fine  
13 of up to two hundred fifty dollars (\$250) for a first offense, a fine of up  
14 to five hundred dollars (\$500) for a second offense within five (5) years of  
15 the first offense, and a fine of up to seven hundred fifty dollars (\$750) for  
16 a third or subsequent violation within five (5) years of the previous viola-  
17 tion.

18 (2) A person willfully allows livestock to stray if they refuse to take  
19 possession of the livestock after being notified by the sheriff or brand in-  
20 spector as provided in section 25-2302, Idaho Code.

21 (3) If such stray livestock enter and cause damage to any cultivated  
22 land as defined in section 18-7008, Idaho Code, then the owner of the live-  
23 stock may be charged at a rate not to exceed ten dollars (\$10.00) per head per  
24 day for cattle and horses or at a rate not to exceed four dollars (\$4.00) per  
25 head per day for other animals. Such damages shall be payable to the damaged  
26 party.

27 (4) An individual found guilty pursuant to the provisions of section  
28 18-7012, Idaho Code, if such action allows livestock to stray, shall be  
29 solely liable for all damage caused by the livestock while outside of their  
30 original enclosure in addition to damages provided by this section.

31 SECTION 5. An emergency existing therefor, which emergency is hereby  
32 declared to exist, this act shall be in full force and effect on and after its  
33 passage and approval.