

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 712

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ESTRAYS; AMENDING SECTION 25-2301, IDAHO CODE, TO REVISE PROVISIONS REGARDING STRAY OR ESTRAY 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 AND WANTONLY 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. Nothing in this chapter shall be construed to impair or diminish any protections, privileges, or immunities established pursuant to section 25-2118, Idaho Code.

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

1 time that the sheriff or brand inspector ~~is notified that the livestock~~  
2 ~~has been taken up as estray~~ has notified the livestock owner or individual  
3 who has control over the livestock that the livestock have been taken up as  
4 estrays. The sheriff or brand inspector or livestock market shall receive  
5 like costs for any time during which the livestock are in their posses-  
6 sion. The sheriff or brand inspector may also charge and receive mileage  
7 and inspection fees for inspecting any estray livestock for the purpose of  
8 determining ownership of the livestock at the rates provided for by law or  
9 regulation. Also, standard fees shall be payable for sale by the livestock  
10 market and for health and brand inspection and assessments or taxes for sale  
11 of livestock as provided for by law.

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

15 25-2313. WILLFULLY AND WANTONLY ALLOWING ESTRAYS -- DAMAGE. (1) A per-  
16 son who willfully and wantonly allows livestock under his control to stray  
17 as defined in section 25-2301, Idaho Code, shall be: guilty of an infraction  
18 and subject to a fine of up to two hundred fifty dollars (\$250) for a first of-  
19 fense; guilty of an infraction and a fine of up to five hundred dollars (\$500)  
20 for a second offense within five (5) years of the first offense; and guilty  
21 of a misdemeanor and a fine of up to seven hundred fifty dollars (\$750) for  
22 a third or subsequent violation within five (5) years of the previous viola-  
23 tion.

24 (2) A person willfully and wantonly allows livestock to stray if he re-  
25 fuses to take possession of the livestock within three (3) days after being  
26 notified by the sheriff or brand inspector as provided in section 25-2302,  
27 Idaho Code.

28 (3) If such stray livestock enter and cause damage to any cultivated  
29 land as defined in section 18-7008, Idaho Code, then the owner of the live-  
30 stock may be charged at a rate not to exceed ten dollars (\$10.00) per head  
31 per day for cattle and horses or at a rate not to exceed four dollars (\$4.00)  
32 per head per day for other animals following notification from the sheriff or  
33 brand inspector to the individual who owns or controls the livestock. Such  
34 damages shall be payable to the damaged party.

35 (4) An individual found guilty pursuant to the provisions of section  
36 18-7012, Idaho Code, if such action allows livestock to stray, shall be  
37 solely liable for all damage caused by the livestock while outside of their  
38 original enclosure in addition to damages provided by this section.

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