

SENATE FILE NO. SF0010

Protection of livestock animals.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to animals; providing for the protection of
2 livestock animals; adding definitions; providing
3 exceptions; providing an increased penalty for repeat
4 offenses; repealing the authority of any person to furnish
5 food and water to impounded animals deprived of the same;
6 and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 11-29-115 is created to read:

11

12 **11-29-115. Use of agricultural and livestock**
13 **management practices.**

14

15 (a) Nothing in this chapter prohibits:

16

1 (i) The use of industry accepted agricultural or
2 livestock management practices or any other commonly
3 practiced animal husbandry procedure used on livestock
4 animals, as defined by W.S. 11-29-101(a)(viii);

5

6 (ii) The dehorning of cattle;

7

8 (iii) A Wyoming licensed veterinarian from
9 treating a livestock animal as authorized by the Wyoming
10 Veterinary Medical Practice Act;

11

12 (iv) Any rodeo event, whether the event is
13 performed in a rodeo, jackpot or similar arena;

14

15 (v) A person from humanely destroying a
16 livestock animal.

17

18 **Section 2.** W.S. 11-29-101(a) by creating new
19 paragraphs (vi) through (viii) and by amending and
20 renumbering (vi) as (ix), 11-29-103, 11-29-106, 11-29-108
21 through 11-29-111 and 11-29-114(a), (b)(i), (ii) and (c)
22 through (e) are amended to read:

23

24

CHAPTER 29

PROTECTION OF LIVESTOCK ANIMALS

11-29-101. Definitions.

(a) As used in this act:

(vi) "Cruelly mistreat" means to knowingly, intentionally and inhumanely kill, maim, disfigure, torture, beat, mutilate, burn, scald or otherwise inflict harm upon any livestock animal;

(vii) "Cruelly neglect" means to fail to provide any livestock animal in care of the owner or custodian of the livestock animal, with food, water or other care as is reasonably necessary for the livestock animal's health;

(viii) "Livestock animal" means:

(A) Any bovine, equine, swine, sheep, goat, domesticated camelid animal, ratite bird, rabbit or poultry used for food or fiber; or

(B) Any livestock protection animal used in the protection of food and fiber.

1

2 ~~(vi)~~ (ix) "This act" means W.S. 11-29-101 through
3 ~~11-29-113~~ 11-29-115.

4

5 11-29-103. Livestock animals to be fed while
6 confined; ownership; penalties.

7

8 (a) Every person who ~~impounds~~ confines or causes to
9 be ~~impounded~~ confined any livestock animal ~~in any pound or~~
10 ~~corral,~~ under the laws of this state, shall supply to the
11 livestock animal during confinement a sufficient quantity
12 of wholesome food and water.

13

14 (b) A livestock animal is the private property of its
15 owner.

16

17 ~~(b)~~ (c) ~~Any person convicted of violating~~ A violation
18 of this section ~~shall be imprisoned not exceeding~~ is a
19 misdemeanor punishable by imprisonment for not more than
20 six (6) months, ~~or fined a fine of~~ not less than one
21 hundred dollars (\$100.00) nor more than ~~five hundred~~
22 ~~dollars (\$500.00)~~ seven hundred fifty dollars (\$750.00), or
23 both except that a subsequent offense is a high misdemeanor
24 punishable by not more than one (1) year imprisonment, a

1 fine of not more than five thousand dollars (\$5,000.00), or
2 both.

3

4 11-29-106. Livestock board; authority to prevent
5 cruelty; penalty for interference with officer.

6

7 Any peace officer, agent or officer of the board may
8 lawfully interfere to prevent the perpetration of any act
9 of cruelty upon any livestock animal in his presence. Any
10 person who interferes with, obstructs or resists any peace
11 officer or officer or agent of the board in the discharge
12 of his duty shall be fined not less than two hundred
13 dollars (\$200.00) nor more than one thousand five hundred
14 dollars (\$1,500.00), or imprisoned not more than one (1)
15 year, or both.

16

17 11-29-108. Livestock board; seized livestock animals
18 and vehicles; lien on seized chattels; civil action for
19 unpaid expenses.

20

21 When any person arrested under this act is in charge of any
22 vehicle drawn by or containing any livestock animal cruelly
23 ~~treated~~ mistreated or cruelly neglected at the time of
24 arrest, any peace officer, agent or officer of the board

1 may take charge of the livestock animal and vehicle and its
2 contents, and give notice thereof to the owner, if known,
3 and shall provide for them until their owner takes
4 possession of them. The board or local government shall
5 have a lien on the livestock animals, the vehicle and its
6 contents for the expense of the care and provision. The
7 expense or any part remaining unpaid may be recovered by
8 the board or local government in a civil action.

9
10 **11-29-109. Livestock board; care of abandoned**
11 **livestock animals; civil action for expenses; lien.**

12
13 Any peace officer, agent or officer of the board may take
14 charge of any livestock animal found abandoned, cruelly
15 neglected or cruelly ~~treated~~ mistreated. He shall give
16 notice to the owner, if known, and may care and provide for
17 the livestock animal until the ~~owner takes charge of the~~
18 livestock animal is released or destroyed. The expenses of
19 care and provision is a charge against the owner of the
20 livestock animal and collectible from the owner by the
21 board or by the local government employing the peace
22 officer taking charge of the livestock animal in a civil
23 action. The board or local government may detain the
24 livestock animals until the expense for food, shelter and

1 care is paid and shall have a lien upon the livestock
2 animals therefor. This lien shall be filed as provided
3 pursuant to W.S. 29-7-101 through 29-7-106.

4

5 **11-29-110. Livestock board; enforcement of liens;**
6 **notice to owner.**

7

8 Any person entitled to a lien under this act may enforce
9 the lien by disposing of the livestock animals and other
10 personal property upon which the lien is given, at public
11 auction, upon giving written notice to the owner, if he is
12 known, of the time and place of the disposal, at least five
13 (5) days previous thereto, and by posting three (3) notices
14 of the time and place of the disposal in three (3) public
15 places within the county at least five (5) days previous
16 thereto. If the owner is not known, the notice shall be
17 posted at least ten (10) days previous to the disposal.

18

19 **11-29-111. Livestock board; destruction of diseased**
20 **or injured livestock animals.**

21

22 Any peace officer, agent or officer of the board may
23 destroy or cause to be destroyed any livestock animal in
24 his charge when in his judgment and ~~by the written~~

1 ~~certificate of two (2) reputable citizens called to view~~
2 ~~the animal in his presence, one (1) of whom may be selected~~
3 ~~by the owner of the animal if he so requests~~ the judgment
4 of a Wyoming licensed veterinarian or the judgment of the
5 livestock animal owner, the livestock animal appears to be
6 severely injured, severely disabled, diseased past recovery
7 or unfit for any useful purpose. There shall be no right
8 for any future indemnity or payment to the owner for the
9 destruction of any livestock animal destroyed and the peace
10 officer, agent or officer of the board shall be held
11 harmless while acting in accordance with this section.

12

13 **11-29-114. Impoundment of livestock animals; cost of**
14 **care for livestock animals; providing for bond.**

15

16 (a) Any peace officer, agent or officer of the board
17 may take possession of any livestock animal ~~treated~~ cruelly
18 mistreated or cruelly neglected as determined by a Wyoming
19 licensed veterinarian or veterinarian employed by the
20 board.

21

22 (b) The owner of the animal impounded under
23 subsection (a) of this section, and who has been cited
24 under W.S. 6-3-203, shall be required to post a bond with

1 the circuit court in the county where the animal was
2 impounded. The bond shall be:

3

4 (i) In an amount the circuit court determines is
5 sufficient to provide for the livestock animal's board,
6 nutritional care, veterinary care and diagnostic testing
7 for at least ninety (90) days including the day on which
8 the animal was impounded; and

9

10 (ii) Filed with the circuit court within ten
11 (10) days after the livestock animal is impounded.

12

13 (c) When the bond expires, if the owner of the
14 livestock animal desires to prevent disposition of the
15 animal by the board, the owner shall post a new bond with
16 the court as described in subsection (b) of this section.

17

18 (d) If a bond is not posted under subsection (b) or
19 (c) of this section, the board shall determine final
20 disposition of the livestock animal in accordance with
21 reasonable practices for the humane treatment of livestock
22 animals. The owner of the livestock animal shall be liable
23 for all costs associated with the final disposition of the
24 livestock animal under this subsection.

1

(e) If a bond has been posted in accordance with subsection (b) or (c) of this section, the agency employing the officer, or the board, may draw from the bond the actual costs as described in subsection (b) of this section, from the date of initial impoundment to the date of final disposition of the **livestock** animal.

8

9 **Section 3.** W.S. 11-29-104 and 11-29-113 are repealed.

10

11 **Section 4.** This act is effective July 1, 2011.

12

13 (END)