

2024 Regular Session

SENATE BILL NO. 104

BY SENATOR WHEAT

ANIMALS. Provides relative to livestock found at large. (gov sig)

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AN ACT

To amend and reenact R.S. 3:3004(A), 3005(B), and 3006, relative to livestock found at large; to provide for who may take possession of livestock found at large; to provide for notice and procedure for the sale of unclaimed livestock; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3004(A), 3005(B), and 3006 are hereby amended and reenacted to read as follows:

§3004. Impounding livestock found at large upon highways

A. All sheriffs, deputy sheriffs, constables, ~~and~~ justices of the peace, or animal control authority of the parish in which the livestock was found at large shall, and any other person may, take possession of and impound any livestock found at large upon any public highway of this state in any ward where livestock is presently prohibited from roaming at large or may hereafter be prohibited from roaming at large as hereinafter provided for. Any livestock so taken and impounded shall be impounded in the parish in which taken and when taken by a sheriff, deputy sheriff, constable, ~~or~~ justice of the peace, or animal control authority, the owner

1 thereof shall be notified personally or by leaving written notice at the place of his
2 residence within twenty-four hours after taking possession of such livestock. Any
3 person other than a sheriff, deputy sheriff, constable, or justice of the peace, taking
4 possession of and impounding livestock shall immediately notify the sheriff of the
5 parish in which the livestock is taken and said sheriff shall, within twenty-four hours
6 of such notification, notify the owner in the manner hereinabove provided.

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8 §3005. Advertisement of impounding when owner is unknown

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10 B. The sheriff **or animal control authority of the parish in which the**
11 **livestock was found at large** shall then give notice by ~~advertising in a newspaper~~
12 **the parish government's public notice procedure** ~~of general circulation within the~~
13 parish setting forth the fact of the taking of possession, a description of the livestock,
14 that the owner is unknown or if known that he cannot be located. This ~~advertisement~~
15 **notice** shall notify any person claiming to be the owner of such livestock to appear
16 before the sheriff at a place named and a time not less than three days nor more than
17 six days from the date of notice to prove such claim or ownership. If the owner
18 appears and proves to the satisfaction of the sheriff that he is the owner of the stock
19 impounded, the sheriff shall require the owner to pay the fee of the person taking the
20 stock, the cost of feeding and caring for the stock at the rates hereinabove specified
21 in R.S. 3:3004 and the cost of ~~advertisement~~ **notice**.

22 §3006. Sale of unclaimed livestock

23 If after the notice provided for in R.S. 3:3004 and R.S. 3:3005 the owner does
24 not appear at the time specified the sheriff shall proceed to sell such impounded
25 livestock in the following manner:

26 The sheriff **or animal control authority of the parish in which the**
27 **livestock was found at large shall then give notice by the parish government's**
28 **public notice procedure** ~~shall advertise in a newspaper of general circulation in the~~
29 parish ~~where the sale is to take place the fact of such sale, the date and place of the~~

1 ~~sale~~. The place of the sale shall be at the court house or at some other public place
 2 in the vicinity of the court house and the sale shall be made not less than ten nor
 3 more than twenty days after publication of one notice of said sale. Said sale shall be
 4 by auction to the last and highest bidder for cash. From the price of said sale the
 5 sheriff shall deduct the fee of the person impounding the livestock, the cost of
 6 feeding and caring for the livestock at the rates herein above specified in R.S. 3:3004
 7 and all expenses incurred in the sale. He shall pay the person taking up the livestock
 8 the fee due him and the person feeding and caring for the livestock the fees provided
 9 for such services and the remainder shall be **retained in the parish government**
 10 **where the animal was located** ~~paid into the state treasury.~~

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Mary Frances Aucoin.

DIGEST

SB 104 Engrossed

2024 Regular Session

Wheat

Present law (R.S. 3:3004) authorizes sheriffs, deputy sheriffs, constables, and justices of the peace to impound livestock found roaming at large on any public highway of this state, where it is prohibited.

Proposed law retains present law and further authorizes the animal control authority of the parish in which the livestock was found roaming at large to take possession and impound the livestock.

Present law (R.S. 3:3005) authorizes sheriffs to give notice, by advertising in a newspaper of general circulation within the parish, that the livestock found at large on a public highway has been taken possession of by someone.

Proposed law retains present law and further authorizes the option for the animal control authority of the parish in which the livestock was found to give notice by the parish government's public notice procedure.

Present law (R.S. 3:3006) provides that if after notice has been provided and the owner does not appear, the livestock will be sold and authorizes the sheriff to advertise, in a newspaper within the parish, where the sale will take place, the fact of the sale, and the date.

Proposed law retains present law and further authorizes the option for the animal control

authority of the parish in which the livestock was found at large to advertise where the sale will take place by the parish government's public notice procedure.

Present law provides that money from the sale of the found livestock will go towards paying the person taking up the livestock and the person feeding and caring for the livestock, with the remainder being paid to the state treasury.

Proposed law changes where the remainder of the money is to be paid from the state treasury to being retained in the parish government where the animal was located.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:3004(A), 3005(B), and 3006)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Agriculture, Forestry,
Aquaculture, and Rural Development to the original bill

1. Clarifies how notice is to be given.
2. Makes technical amendments.