

SENATE BILL NO. 104

BY SENATOR WHEAT

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §3004. Impounding livestock found at large upon highways

10 A. All sheriffs, deputy sheriffs, constables, ~~and~~ justices of the peace, or
11 animal control authorities of any parish in which livestock was found at large
12 shall, and any other person may, take possession of and impound any livestock found
13 at large upon any public highway of this state in any ward where livestock is
14 presently prohibited from roaming at large or may hereafter be prohibited from
15 roaming at large as hereinafter provided for. Any livestock so taken and impounded
16 shall be impounded in the parish in which taken and when taken by a sheriff, deputy
17 sheriff, constable, ~~or~~ justice of the peace, or animal control authority, the owner
18 thereof shall be notified personally or by leaving written notice at the place of his
19 residence within twenty-four hours after taking possession of such livestock. Any
20 person other than a sheriff, deputy sheriff, constable, or justice of the peace, taking
21 possession of and impounding livestock shall immediately notify the sheriff of the
22 parish in which the livestock is taken and said sheriff shall, within twenty-four hours
23 of such notification, notify the owner in the manner hereinabove provided.

24 * * *

25 §3005. Advertisement of impounding when owner is unknown

26 * * *

27 B. The sheriff or animal control authority of the parish in which the

1 livestock was found at large shall then give notice by ~~advertising in a newspaper~~
 2 the parish government's public notice procedure ~~of general circulation within the~~
 3 ~~parish~~ setting forth the fact of the taking of possession, a description of the livestock,
 4 that the owner is unknown or if known that he cannot be located. This ~~advertisement~~
 5 notice shall notify any person claiming to be the owner of such livestock to appear
 6 before the sheriff at a place named and a time not less than three days nor more than
 7 six days from the date of notice to prove such claim or ownership. If the owner
 8 appears and proves to the satisfaction of the sheriff that he is the owner of the stock
 9 impounded, the sheriff shall require the owner to pay the fee of the person taking the
 10 stock, the cost of feeding and caring for the stock at the rates hereinabove specified
 11 in R.S. 3:3004 and the cost of ~~advertisement~~ notice.

12 §3006. Sale of unclaimed livestock

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

16 The sheriff or animal control authority of the parish in which the
 17 livestock was found at large shall give notice by the parish government's public
 18 notice procedure ~~shall advertise in a newspaper of general circulation in the parish~~
 19 ~~where the sale is to take place the fact of such sale, the date and place of the sale.~~
 20 The place of the sale shall be at the court house or at some other public place in the
 21 vicinity of the court house and the sale shall be made not less than ten nor more than
 22 twenty days after publication of one notice of ~~said sale~~. ~~Said sale~~ the sale. The sale
 23 shall be by auction to the last and highest bidder for cash. From the price of ~~said the~~
 24 sale the sheriff shall deduct the fee of the person impounding the livestock, the cost
 25 of feeding and caring for the livestock at the rates ~~herein above~~ specified in R.S.
 26 3:3004 and all expenses incurred in the sale. He shall pay the person taking up the
 27 livestock the fee due him and the person feeding and caring for the livestock the fees
 28 provided for such services and the remainder shall be retained in the parish
 29 government where the animal was located ~~paid into the state treasury.~~

30 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____