

Regular Session, 2013

HOUSE BILL NO. 72

BY REPRESENTATIVE HENSGENS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ANIMALS/CATTLE: Provides with respect to the impoundment of livestock found at large

1 AN ACT

2 To amend and reenact R.S. 3:2804(A) and (B) and 3004(A) and (B)(1), relative to  
3 impounding livestock; to provide for custody of livestock found at large; to provide  
4 for fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:2804(A) and (B) and 3004(A) and (B)(1) are hereby amended and  
7 reenacted to read as follows:

8 §2804. Impounding livestock found at large upon highways

9 A. The deputy secretary of Department of Public Safety and Corrections  
10 ~~shall~~, and all sheriffs, deputy sheriffs, constables, marshals, and justices of the peace  
11 ~~may~~ shall, cause any livestock found at large upon any highway of the state of  
12 Louisiana, as defined in R.S. 3:2803, to be taken into custody and impounded. Any  
13 livestock so taken into custody shall be impounded in the nearest official state police  
14 impoundment area. Any officer taking custody of and impounding livestock shall  
15 immediately notify the deputy secretary of Department of Public Safety and  
16 Corrections or his duly authorized representative in the parish in which the livestock  
17 is impounded and shall, within twenty-four hours after such notification, notify the  
18 owner or manager of such livestock, if known, personally or by leaving written  
19 notice at his place of residence.

20 B. The owner or manager of livestock so impounded shall have the right to  
21 secure his livestock upon the payment to the superintendent of state police or officer

1           impounding the livestock of a fee of twenty dollars per head of livestock. He shall  
 2           also pay to the officer impounding such livestock the cost of feeding and caring for  
 3           such livestock at the rate of ~~two~~ six dollars per day for each animal and the cost of  
 4           any necessary veterinary and advertisement fees incurred.

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6           §3004. Impounding livestock found at large upon highways

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

22                 B.(1) Except as provided in Paragraph (2) of this Subsection, the owner of  
 23           livestock so taken shall have the right to secure his livestock upon the payment to the  
 24           officer or person taking up the livestock a fee of ten dollars for each head of  
 25           livestock taken. He shall also pay to the person taking and impounding such  
 26           livestock the cost of feeding and caring for such livestock at the rate of ~~two~~ six  
 27           dollars per day for each animal.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Hensgens

HB No. 72

**Abstract:** Requires marshals to take custody of and impound any livestock found at large upon certain state highways.

Present law requires the deputy secretary of DPS&C, and allows all sheriffs, deputy sheriffs, constables, and justices of the peace to take custody of and impound any livestock found roaming at large upon certain state highways. Provides that the impounding officer immediately notify the deputy secretary of the department or his authorized representative in the parish in which the livestock is impounded.

Proposed law requires all sheriffs, deputy sheriffs, constables, and justices of the peace to take custody of and impound any livestock found roaming at large upon certain state highways and adds marshals.

Present law allows the owner of impounded livestock to secure his livestock upon payment of \$20 per head and the cost of feeding and caring for such livestock at the rate of \$2 per day for each animal.

Proposed law increases the daily cost of feeding and caring for each animal from \$2 to \$6. Present law requires all sheriffs, deputy sheriffs, constables, and justices of the peace, and allows other persons to take possession of and impound livestock found roaming at large in any ward where currently or hereafter prohibited from roaming at large. Provides for impoundment of the livestock in the parish where taken. Further provides for notification within 24 hours of impoundment.

Proposed law clarifies the adoption of an ordinance by the local governing authority on the impoundment of certain roaming livestock and adds marshals.

Present law allows the owner of impounded livestock to secure his livestock upon payment of \$10 per head and cost of feeding and caring for such livestock at the rate of \$2 per day for each animal.

Proposed law increases the daily rate of feeding and caring for each animal from \$2 to \$6.

(Amends R.S. 3:2804(A) and (B) and 3004(A) and (B)(1))