

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1220

By: Dunegan

AS INTRODUCED

An Act relating to exotic livestock; amending 4 O.S. 1991, Sections 41, 85.1, 268 and 351, which relate to animals; expanding definitions to include exotic livestock; making it lawful to kill certain animals found damaging exotic livestock; modifying procedures for estrays to include exotic livestock; requiring certain proof of ownership; modifying branding restrictions; making certain actions unlawful regarding exotic livestock; providing for penalty; amending 29 O.S. 1991, Section 5-405, which relates to wildlife; authorizing killing of certain furbearers for causing damage to exotic livestock; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 1991, Section 41, is amended to read as follows:

Section 41. A. It shall be lawful for any person to kill any dog found chasing or worrying ~~sheep, other~~ livestock ~~or poultry~~, off the premises of the owner of such dog. The owner ~~or owners~~ of any ~~animal of the dog kind~~ that kills, worries, or injures any ~~sheep,~~

~~lamb, goat, kid, other livestock or poultry,~~ shall be jointly and severally liable to any person so damaged, to the full amount of the injury done, ~~and the~~. The court or Justice, before whom a recovery is had for any such injury, shall declare the ~~animal~~ dog found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such ~~animal~~ dog within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Such appeals shall be prosecuted in such manner as prescribed by general statutes governing appeals.

B. For purposes of this section:

1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, chicken or other poultry and shall include exotic livestock.

2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the order casuariiformes ratite group.

SECTION 2. AMENDATORY 4 O.S. 1991, Section 85.1, is amended to read as follows:

Section 85.1 As used in this act, "domestic animals" shall include all domestic animals ~~except~~ including but not limited to cattle, bison, hogs, sheep, goats, equidae, chickens or other poultry and exotic livestock. The term "domestic animals" shall not include dogs and cats. As used in this section the term exotic livestock means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the order casuariiformes ratite group.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.13 of Title 4, unless there is created a duplication in numbering, reads as follows:

A. A person may claim to be the owner of exotic livestock or exotic fowl under this chapter only if:

1. The animal is tagged, branded, banded, or marked in another manner that identifies the animal as being the property of the claimant; or

2. The person acquired the animal by purchase, gift, devise, inheritance, or other lawful transfer or the animal was born or hatched on property owned or leased by the claimant or on other property under an agreement with the claimant in which the claimant may assert ownership of the animal and:

a. the animal, when normally in the possession of the owner, is impounded within a fence or by another restraining device that is generally appropriate to prevent the escape of the type of animal claimed; or

b. the animal claimed is of such rarity or has such genetic marking or other attributes as to identify the animal as having come from the claimant's stock having the same rarity or attributes.

B. Under subsection A of this section, a lawful transfer does not include the live taking of an animal in this state on property that is owned or leased by a person other than the claimant.

SECTION 4. AMENDATORY 4 O.S. 1991, Section 268, is amended to read as follows:

Section 268. A. Any person who shall with intent to defraud, brand or misbrand, mark or mismark any neat ~~cattle, horse, sheep, goat, ass, mule, swine, poultry or other~~ domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous mark or brand on any neat ~~cattle, horse, sheep, goat, ass or mule, swine, poultry, or other~~ domestic animal, not his own, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine not

less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

B. For purposes of this section:

1. "Domestic animal" means cattle, equinae, sheep, goat, hog poultry and exotic livestock;

2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the order casuariiformes ratite group.

SECTION 5. AMENDATORY 4 O.S. 1991, Section 351, is amended to read as follows:

Section 351. Any person who is the driver of any truck, automobile or other vehicle containing any livestock ~~or~~, domestic fowls or ratite or any slaughtered livestock ~~or~~, slaughtered domestic fowls or ratite or the butchered portions of ~~either~~ any of which he is not the owner and which is upon or being driven upon any land of which said driver is not owner, lessee, renter or tenant, or which is upon or being driven upon any highway, public street or thoroughfare, who fails to have in his possession and exhibit to any meat inspector, sheriff or deputy sheriff upon demand a written permit authorizing said movement, signed by the owner or caretaker of said livestock ~~or~~, domestic fowls or ratite, or from the owner or person in control of the land from which said driver began said movement, shall be fined not more than Two Hundred Dollars (\$200.00) for each head of livestock in said movement, unless said driver upon demand of said meat inspector, sheriff or deputy sheriff makes, signs and delivers to said meat inspector, sheriff or deputy sheriff a written statement containing all information herein required to be included in permits. Said permit or statement shall contain a description of each head of livestock ~~and~~, domestic fowls and ratites, and the place of origin thereof, including the name of ranch, market center, packing house or other place, and the kind, breed, color and marks and brands of such livestock ~~or~~, domestic

fowls or ratites, if there be any. Failure or refusal of such driver to exhibit to a person or peace officer said permit or to make said statement shall constitute probable cause for any meat inspector, sheriff or deputy sheriff to search said truck or vehicle to ascertain if it contains any stolen livestock ~~or~~ domestic fowls or ratites and to detain said movement a reasonable length of time to ascertain whether any stolen livestock ~~or~~ domestic fowls or ratites are contained therein, but the person detaining said movement shall provide adequate care and feed for such livestock ~~or~~ domestic fowls or ratites while said livestock ~~or~~ domestic fowls or ratites are being detained. Any driver who has in his possession any false or forged permit or who makes any false written statement shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or he shall be imprisoned in the county jail not less than sixty (60) days nor more than six (6) months, or he shall be punished by both such fine and imprisonment.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1719.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any person who shall take, steal or carry away any exotic livestock, any person purchasing or receiving such exotic livestock, knowing them to have been stolen, shall be deemed guilty of grand larceny, regardless of the value thereof, and upon conviction thereof shall be punished by imprisonment in the penitentiary not exceeding ten (10) years, or by fine not exceeding Twenty Thousand Dollars (\$20,000.00) or by both such fine and imprisonment.

B. For purposes of this section the term exotic livestock means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the order casuariiformes ratite group.

SECTION 7. AMENDATORY 29 O.S. 1991, Section 5-405, is amended to read as follows:

Section 5-405. A. Except as otherwise provided, no person may hunt, kill, capture or otherwise take or destroy any furbearer, except from December 1 to January 31, both dates inclusive.

B. No person may take otter at any time.

C. Persons taking pelts during the season shall have until ten (10) working days after the close of said season to sell or dispose of such pelts.

D. Nothing contained in these provisions shall prevent the killing of furbearers actually found destroying livestock ~~or~~, poultry or exotic livestock, nor the running or chasing of fox, bobcat and racoon with dogs for sport only. For purposes of this section the term exotic livestock means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the order casuariiformes ratite group.

SECTION 8. This act shall become effective July 1, 1993.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6026

KSM