

ENROLLED HOUSE  
BILL NO. 1990

By: Fields of the House

and

Wilkerson of the Senate

An Act relating to animals; amending 4 O.S. 1991, Sections 85.5 and 85.6, as amended by Sections 1 and 2, Chapter 44, O.S.L. 1997 (4 O.S. Supp. 1999, Sections 85.5 and 85.6), which relate to stray animals; authorizing any peace officer to perform certain duties regarding stray animals; and providing an effective date.

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

SECTION 1. AMENDATORY 4 O.S. 1991, Section 85.5, as amended by Section 1, Chapter 44, O.S.L. 1997 (4 O.S. Supp. 1999, Section 85.5), is amended to read as follows:

Section 85.5 A. Upon receiving notice of the taking up of any strayed animal, it shall be the duty of ~~the sheriff~~ any peace officer, unless the owner thereof is identified and known by the ~~sheriff~~ peace officer to be the owner, to make or cause to be made an examination of the brand records and reports of lost, strayed and stolen livestock. If from these records the name of the owner or probable owner can be determined, the owner shall be notified forthwith of the taking up of the strayed animal.

B. Upon the owner's proving to the satisfaction of the ~~sheriff~~ peace officer that the animal is lawfully the owner's, the ~~sheriff~~ peace officer shall allow the animal to be taken by the owner, upon payment of the actual cost for keeping it together with the amount of any damages suffered by the taker-up as a result of the strayed animal being upon the premises of the taker-up.

C. If the owner fails to pay the charges, the animal shall be sold according to provisions of Section 85.6 of this title.

D. After all costs and expenses incurred for the care, transportation, and sale of such animal have been deducted from the gross sale proceeds, the net amount shall be paid to the owner.

SECTION 2. AMENDATORY 4 O.S. 1991, Section 85.6, as amended by Section 2, Chapter 44, O.S.L. 1997 (4 O.S. Supp. 1999, Section 85.6), is amended to read as follows:

Section 85.6 A. If ~~the sheriff~~ a peace officer is unable to determine the owner or probable owner of any strayed animal from brand records and other reports of lost, strayed and stolen livestock, the sheriff shall cause to be published in a newspaper

having general circulation in the county in which the strayed animal has been taken up, a description of the animal which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information. The notice shall be published for two (2) consecutive weekly issues. If after such publication the sheriff is still unable to determine the owner, the animal shall be sold by the sheriff, at the nearest approved and licensed or federally inspected livestock auction market from where taken up, inside the State of Oklahoma.

B. The approved selling firm shall forward by mail to the sheriff a check for the proceeds and other sales information, listing a description, sex, weight, selling price per pound and total sales price less normal and customary marketing fees.

C. The sheriff shall pay to the taker-up of an unclaimed stray animal the actual cost for keeping it, together with the actual amount of any damages suffered by the taker-up as a result of the strayed animal being upon the premises.

D. All remaining money, if any, shall be deposited with the county treasurer to be held by the treasurer in a special fund from which payment may be made to a claimant who has been determined by the district court to be the owner of the stray animal. If not expended pursuant to court order within one (1) year the funds so deposited shall be credited to the County General Fund.

SECTION 3. This act shall become effective November 1, 2000.

Passed the House of Representatives the 24th day of May, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the 25th day of May, 2000.

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President of the Senate