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February 11, 2013

AS AMENDED

SENATE BILL NO. 402

By: Justice of the Senate

and

DeWitt of the House

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[ animals - making it unlawful for owners to allow
animals to run at large - providing for penalty -
emergency ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 2011, Section 41, is amended to read as follows:

Section 41. A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of such animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property.

B. The owner of any such animal of the family canidae or the family felidae that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of

1 the injury done and damages caused, including reasonable attorney's
2 fees and litigation expenses.

3 C. It is unlawful for the owner of any animal of the family
4 canidae to permit such animal to run at large if that animal has
5 previously:

6 1. When unprovoked, killed or inflicted injuries to any
7 livestock; or

8 2. When unprovoked, created an imminent threat of injury or
9 death to any livestock or person.

10 Upon conviction, the violator shall be guilty of a misdemeanor
11 punishable by imprisonment in the county jail for not more than one
12 (1) year, or by imposition of a fine not to exceed Five Thousand
13 Dollars (\$5,000.00), or by both such fine and imprisonment.

14 D. Any municipal, county or state animal control, animal
15 welfare or peace officer may seize, with or without a warrant,
16 whether on private or public property, any animal of the family
17 canidae for which probable cause exists to believe the animal has
18 within the past forty-eight (48) hours killed or injured livestock
19 or such animal may be dangerous to the health, safety and welfare of
20 livestock or persons. Any animal seized pursuant to this paragraph
21 shall be held by the appropriate animal control or animal welfare
22 facility until the appropriate terms and conditions of release
23 necessary to protect the health, safety and welfare of livestock and
24

1 persons with whom the animal may come in contact are established by
2 the supervisor of the facility or a court of competent jurisdiction.

3 E. Upon commencement of any civil action to assess damages
4 pursuant to this section, the court upon its own motion, or upon a
5 motion by the plaintiff, may issue an order requiring a municipal,
6 county or state animal control, animal welfare or peace officer to
7 seize, whether on private or public property, any animal of the
8 family canidae for which probable cause exists to believe the animal
9 has killed or injured livestock or such animal may be dangerous to
10 the health, safety and welfare of livestock or persons. Any animal
11 seized pursuant to this paragraph shall be held by the appropriate
12 animal control or animal welfare facility until conclusion of the
13 civil action or until the court enters an order proscribing the
14 appropriate terms and conditions of release necessary to protect the
15 health, safety and welfare of livestock and persons with whom the
16 animal may come in contact.

17 F. The cost for any animal's seizure and confinement authorized
18 by paragraphs D or E of this section shall be borne by the owner of
19 such animal. However, in any civil action filed pursuant to this
20 section, if the owner of the animal is the prevailing party, such
21 costs shall be taxed in the case against the non-prevailing party.

22 G. The court, before whom a recovery is had for any such injury
23 or damages set forth in this section, shall declare the animal found
24 to have occasioned the injury to be a common nuisance, and order the

1 defendant to kill or cause to be killed, such animal within twenty-
2 four (24) hours after the rendition of the judgment. Appeals shall
3 be allowed in all such cases. Such appeals shall be prosecuted in
4 such manner as prescribed by general statutes governing appeals.

5 ~~B.~~ H. For purposes of this section:

6 1. "Livestock" means any cattle, bison, hog, sheep, goat,
7 equine, domesticated rabbits, chicken or other poultry and shall
8 include exotic livestock; and

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

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
17 February 11, 2013 - DO PASS AS AMENDED
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