

HOUSE BILL No. 2271

By Committee on Agriculture

2-12

1 AN ACT concerning animals; relating to livestock running at large;
2 penalty; amending K.S.A. 2018 Supp. 47-122 and 47-122a and
3 repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 47-122 is hereby amended to read as
7 follows: 47-122. (a) It shall be unlawful for any livestock to run at large.

8 (b) (1) *A law enforcement officer may issue a notice to appear to any*
9 *owner of livestock upon a third violation of subsection (a) by such owner*
10 *within a 30-day period if such owner has been issued a written warning*
11 *within such 30-day period.*

12 (2) *Any owner who commits a third or subsequent violation of*
13 *subsection (a) within a 30-day period shall be guilty of an unclassified*
14 *misdemeanor and upon conviction shall pay a fine of not more than \$50*
15 *for the first conviction and not more than \$150 for each subsequent*
16 *conviction.*

17 Sec. 2. K.S.A. 2018 Supp. 47-122a is hereby amended to read as
18 follows: 47-122a. (a) ~~Whenever~~~~the an owner of livestock or~~~~the such~~
19 ~~owner's authorized agent allows any such livestock to run at large, in~~
20 ~~violation of K.S.A. 47-122, and amendments thereto, and such livestock~~
21 ~~remains on the property of another person, at the request of such person~~
22 ~~upon whose property the livestock are running at large, the sheriff of the~~
23 ~~county in which such livestock are running at large a law enforcement~~
24 ~~officer may take such livestock into custody and retain them in a secure~~
25 ~~holding area.~~

26 (b) ~~The county sheriff~~*If any such livestock running at large remains*
27 *on a highway as defined in K.S.A. 8-1424, and amendments thereto, and*
28 *the owner of such livestock cannot be contacted or such owner fails to*
29 *take custody of such livestock within a reasonable time, a law enforcement*
30 *officer may take such livestock into custody and retain them in a secure*
31 *holding area.*

32 (c) *If livestock is taken into custody under subsection (a) or (b), the*
33 *law enforcement officer shall give notice to the owner or the owner's*
34 *authorized agent within 24 hours after taking such livestock into custody*
35 *that the owner or the owner's authorized agent has 10 days within which to*
36 *claim such livestock and to pay all actual costs for taking up, keeping and*

1 feeding of such livestock.

2 ~~(e)~~(d) If the owner or the owner's authorized agent fails to claim the
3 livestock and to pay all actual costs within the ten-day period, the ~~county~~
4 ~~sheriff~~ *appropriate law enforcement agency* shall cause the livestock to be
5 delivered to a public livestock market or to a secure holding area approved
6 by the animal health commissioner. If the livestock is delivered to the
7 market, ~~the county sheriff~~ *such law enforcement agency* shall cause such
8 livestock to be sold at such market to the highest bidder for cash.
9 Livestock held in a secure holding area other than a livestock market shall
10 be advertised by ~~the county sheriff~~ *such law enforcement agency* in the
11 official county newspaper and sold to the highest bidder for cash.

12 ~~(d)~~(e) ~~The county sheriff~~ *law enforcement agency* shall pay out of the
13 proceeds from the sale of such livestock, all actual costs for taking up,
14 keeping and feeding of such livestock. Any proceeds remaining ~~in the~~
15 ~~hands of the sheriff~~ after payment of all actual costs, shall be paid *by such*
16 *law enforcement agency* to the owner of the livestock or the owner's
17 authorized agent. If the owner or the owner's authorized agent is not
18 known or cannot be located, the proceeds remaining after the payment of
19 actual costs shall be paid to the county treasurer of the county in which the
20 livestock were running at large. Such ~~funds~~ *moneys* shall be deposited by
21 the county treasurer in the county's special stray fund provided for in
22 K.S.A. 47-239, and amendments thereto.

23 ~~(e) In counties having a consolidated law enforcement department,~~
24 ~~the provisions of this section relating to sheriffs shall be deemed to refer to~~
25 ~~such department.~~

26 Sec. 3. K.S.A. 2018 Supp. 47-122 and 47-122a are hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the statute book.