

HOUSE BILL NO. HB0128

Livestock investigations.

Sponsored by: Representative(s) Laursen, Allen, Barlow,
Campbell, Halverson, Jaggi and Lindholm and
Senator(s) Case, Driskill and Hicks

A BILL

for

1 AN ACT relating to the livestock board; removing references
2 to investigators of the livestock board; specifying that
3 the livestock board shall not employ law enforcement
4 personnel; specifying that brand inspectors are not law
5 enforcement personnel; creating the livestock investigation
6 account for livestock training and investigation expenses
7 as specified; providing a warrant requirement for livestock
8 inspections; repealing the inclusion of livestock
9 investigators and brand inspectors from the definition of
10 "peace officer"; and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 11-18-120 is created to read:

15

1 **11-18-120. Livestock investigation account.**

2

3 There is created the livestock investigation account into
4 which shall be deposited revenues as provided by law.
5 Interest on earnings from funds in the account shall be
6 credited to the account. Deposits into the account are
7 continuously appropriated to the livestock board and shall
8 only be expended pursuant to this section and the rules and
9 regulations as required by this section. Notwithstanding
10 W.S. 9-2-1008 or 9-4-207, unexpended funds shall not
11 revert. Funds in the account shall only be expended to
12 provide annual law enforcement training related to
13 livestock and for reimbursements for livestock
14 investigations as provided in this section. Training shall
15 be available to at least one (1) county sheriff or deputy
16 county sheriff from each county and one (1) law enforcement
17 officer of the Federal Bureau of Indian Affairs. Any amount
18 available in the fund after the provision of training as
19 provided in this section shall be made available on a pro
20 rata basis for reimbursement of costs incurred by local law
21 enforcement agencies in conducting livestock
22 investigations. The livestock board shall establish by rule
23 and regulation the requirements for local law enforcement

1 agencies to apply for and receive reimbursement for
2 livestock investigations.

3

4 **Section 2.** W.S. 7-2-106(e)(ii) and (iii),
5 9-2-1101(b)(i), 9-3-402(a)(xviii), 11-18-103(a) by creating
6 a new paragraph (x) and by creating a new subsection (b),
7 11-18-112, 11-18-113, 11-23-106(c), 11-23-107(a),
8 11-29-101(a) by creating a new paragraph (viii), 11-29-105,
9 11-29-106, 11-29-108, 11-29-109, 11-29-111, 11-29-114(a),
10 19-13-102(a)(vi) and 31-5-102(a)(ii)(A) are amended to
11 read:

12

13 **7-2-106. Extraterritorial authority of peace**
14 **officers; requests for assignment of peace officers;**
15 **liability; compensation.**

16

17 (e) Nothing in this section shall be construed to
18 authorize a peace officer:

19

20 (ii) As defined in W.S. ~~7-2-101(a)(iv)(E) or (G)~~
21 7-2-101(a)(iv)(G) to act pursuant to paragraph (a)(ii) or
22 (iii) or subsection (b) of this section; or

23

1 (iii) As defined in W.S. ~~7-2-101(a)(iv)(E), (F)~~
2 7-2-101(a)(iv)(F) or (J) to act pursuant to subsection (f)
3 of this section.

4
5 **9-2-1101. Commission; created; definitions.**

6
7 (b) As used in W.S. 9-2-1101 through 9-2-1104:

8
9 (i) "Public safety agency" means any federal,
10 state or political subdivision entity that provides
11 emergency and public safety services, including state
12 agencies employing peace officers enumerated in W.S.
13 6-1-104(a)(vi)(C) through ~~(F)~~ (E) and approved for
14 participation by the communications commission, fire
15 management services, correctional services, emergency
16 management, emergency and disaster relief services and if
17 desired, county, municipal and federal law enforcement
18 agencies;

19
20 **9-3-402. Definitions.**

21
22 (a) As used in this article:
23

1 (xviii) "Law enforcement officer" or "officer"
2 means any member who is a county sheriff, deputy county
3 sheriff, municipal police officer, ~~duly authorized~~
4 ~~investigator of the Wyoming livestock board meeting the~~
5 ~~specifications of W.S. 7-2-101(a)(iv)(E),~~ investigator
6 employed by the Wyoming state board of outfitters and
7 professional guides meeting the specifications of W.S.
8 7-2-101(a)(iv)(J), Wyoming correctional officer, probation
9 and parole agent employed by the Wyoming department of
10 corrections, Wyoming law enforcement academy instructor,
11 University of Wyoming campus police officer, detention
12 officer or dispatcher for law enforcement agencies;

13

14 **11-18-103. Livestock board; powers generally.**

15

16 (a) In addition to powers and duties hereinafter
17 provided, the Wyoming livestock board shall:

18

19 (x) Administer the livestock investigation
20 account.

21

22 (b) Nothing in this chapter shall be deemed to
23 authorize the livestock board to employ law enforcement

1 officers or livestock investigators. This subsection shall
2 not affect the authority of the livestock board to employ
3 brand inspectors as provided by law.
4

5 **11-18-112. Authority of federal authorities and state**
6 **livestock board and brand inspectors to call sheriffs for**
7 **assistance; failure to comply; penalties.**
8

9 All federal authorities authorized, and the ~~various~~
10 ~~inspectors of this state~~ livestock board or any brand
11 inspector, may call upon any sheriff or peace officer in
12 any county in this state to assist them in the discharge of
13 their duties and those peace officers shall assist them
14 when so requested. The federal inspector has the same power
15 to enforce the laws of this state as the ~~various~~ brand
16 inspectors of the state when authorized as aforesaid and
17 engaged in the discharge of their official duties. Any
18 person refusing to comply with the orders of such officer
19 or federal inspector shall be punished as provided in W.S.
20 11-1-103.
21

22 **11-18-113. When state veterinarian authorized to**
23 **enter premises or vehicle to inspect livestock.**

1

2 In the performance of their official duties, the state
3 veterinarian or any authorized agent or officer of the
4 Wyoming livestock board including a brand inspector may
5 enter any place or vehicle used for the treatment,
6 retention or transportation of livestock, including
7 poultry, ~~or where he has~~ with a search warrant issued by a
8 district court after a finding of probable cause that there
9 is reason to believe any livestock affected with or exposed
10 to infectious, contagious or communicable diseases may be
11 found. A warrant is not required under this section if
12 there is reasonable cause to believe that the mobility of
13 the conveyance makes it impracticable to obtain a warrant
14 or in any other exceptional or emergency circumstance where
15 time or opportunity to apply for a warrant is lacking and a
16 warrant is not constitutionally required.

17

18 **11-23-106. "Cold storage locker plant" defined; stamp**
19 **on tag; certificate in lieu of stamp; filing and inspection**
20 **of certificate; penalties.**

21

22 (c) The certificate shall be kept on file by the
23 operator for one (1) year from its date and be made

1 available for inspection upon request of any ~~law~~
2 ~~enforcement~~peace officer or any authorized representative
3 of the board.

4

5 **11-23-107. Killing of horses for meat; unutilated**
6 **hide or certificate of inspection to be produced;**
7 **penalties.**

8

9 (a) Any person who kills any horse for the purpose of
10 using, selling or offering for sale the meat or carcass for
11 tankage, or for the purpose of feeding the same to domestic
12 stock or to fur bearing animals, must produce on demand of
13 any brand inspector or peace officer either the unutilated
14 hide of the animal killed or a certificate of inspection of
15 the hide, issued by a ~~livestock~~brand inspector.

16

17 **11-29-101. Definitions.**

18

19 (a) As used in this act:

20

21 (viii) "Peace officer" means as defined by W.S.

22 7-2-101.

23

1 **11-29-105. Livestock board; certificates or badges to**
2 **be provided.**

3
4 ~~Officers and agents~~ Brand inspectors of the Wyoming
5 livestock board shall be provided with a certificate by the
6 board that they are ~~officers and agents~~ brand inspectors of
7 the board, in such form as the board may choose, or with a
8 badge bearing the name or seal of the board, and if
9 requested, shall show the certificate or badge when acting
10 officially.

11
12 **11-29-106. Livestock board; authority to prevent**
13 **cruelty; penalty for interference with officer.**

14
15 Any peace officer, ~~agent or officer of the board~~ or brand
16 inspector may lawfully interfere to prevent the
17 perpetration of any act of cruelty upon any livestock
18 animal in his presence. Any person who interferes with,
19 obstructs or resists any peace officer or ~~officer or agent~~
20 ~~of the board~~ brand inspector in the discharge of his duty
21 shall be fined not less than two hundred dollars (\$200.00)
22 nor more than one thousand five hundred dollars

1 (\$1,500.00), or imprisoned not more than one (1) year, or
2 both.

3

4 **11-29-108. Livestock board; seized livestock animals**
5 **and vehicles; lien on seized chattels; civil action for**
6 **unpaid expenses.**

7

8 When any person arrested under this act is in charge of any
9 vehicle drawn by or containing any livestock animal cruelly
10 treated as defined in W.S. 6-3-203 at the time of arrest,
11 any peace officer, ~~agent or officer of the board~~ or brand
12 inspector may take charge of the livestock animal and
13 vehicle and its contents, and give notice thereof to the
14 owner, if known, and shall provide for them until their
15 owner takes possession of them. The board or local
16 government shall have a lien on the livestock animals, the
17 vehicle and its contents for the expense of the care and
18 provision. The expense or any part remaining unpaid may be
19 recovered by the board or local government in a civil
20 action.

21

22 **11-29-109. Livestock board; care of abandoned**
23 **livestock animals; civil action for expenses; lien.**

1

2 Any peace officer, ~~agent or officer of the board~~ or brand
3 inspector may take charge of any livestock animal found
4 abandoned, neglected or cruelly treated as defined in W.S.
5 6-3-203. He shall give notice to the owner, if known, and
6 may care and provide for the livestock animal until the
7 livestock animal is released or destroyed. The expenses of
8 care and provision is a charge against the owner of the
9 livestock animal and collectible from the owner by the
10 board or by the local government employing the peace
11 officer taking charge of the livestock animal in a civil
12 action. The board or local government may detain the
13 livestock animals until the expense for food, shelter and
14 care is paid and shall have a lien upon the livestock
15 animals therefor. This lien shall be filed as provided
16 pursuant to W.S. 29-7-101 through 29-7-106.

17

18 **11-29-111. Livestock board; destruction of diseased**
19 **or injured livestock animals.**

20

21 Any peace officer, ~~agent or officer of the board~~ or brand
22 inspector may destroy or cause to be destroyed any
23 livestock animal in his charge when in his judgment and the

1 judgment of a Wyoming licensed veterinarian or the judgment
2 of the livestock animal owner, the livestock animal appears
3 to be severely injured, severely disabled, diseased past
4 recovery or unfit for any useful purpose. There shall be
5 no right for any future indemnity or payment to the owner
6 for the destruction of any livestock animal destroyed and
7 the peace officer, ~~agent or officer of the board~~ or brand
8 inspector shall be held harmless while acting in accordance
9 with this section.

10
11 **11-29-114. Impoundment of livestock animals; cost of**
12 **care for livestock animals; providing for bond.**

13
14 (a) Any peace officer, ~~agent or officer of the board~~
15 or brand inspector may take possession of any livestock
16 animal treated cruelly as determined by a Wyoming licensed
17 veterinarian or veterinarian employed by the board.

18
19 **19-13-102. Definitions.**

20
21 (a) As used in this act:
22

1 (vi) "Public safety agencies" means any federal,
2 state or political subdivision entity that provides
3 emergency and public safety services, including state
4 agencies employing peace officers enumerated in W.S.
5 6-1-104(a)(vi)(C) through ~~(F)~~ (E) and approved for
6 participation by the commission, fire management services,
7 correctional services, homeland security, emergency and
8 disaster relief services and if desired by county,
9 municipal and federal law enforcement agencies;

10

11 **31-5-102. Definitions.**

12

13 (a) Except as otherwise provided, as used in this
14 act:

15

16 (ii) "Authorized emergency vehicles" means:

17

18 (A) Vehicles of fire departments, fire
19 patrols, game and fish law enforcement personnel, ~~livestock~~
20 ~~board law enforcement personnel,~~ brand inspectors, law
21 enforcement agencies, public and private ambulances,
22 medical rescue units and extrication rescue units;

23

1 **Section 3.** W.S. 6-1-104(a)(vi)(F) and
2 7-2-101(a)(iv)(E) are repealed.

3
4 **Section 4.** Any amount appropriated to the Wyoming
5 livestock board for law enforcement in the 2017-2018
6 biennial budget shall be transferred to the livestock
7 investigation account on the later of the effective date of
8 this act or the effective date of the appropriation and
9 shall only be expended as provided in W.S. 11-18-120. Any
10 reduction in force required by this act shall be conducted
11 pursuant to the rules adopted by the human resources
12 division of the department of administration and
13 information as provided in W.S. 9-2-1022(h). The livestock
14 board shall include the amount necessary for operation of
15 the livestock investigation account in its 2019-2020
16 standard biennial budget request.

17

18 **Section 5.** This act is effective July 1, 2016.

19

20

(END)