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

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

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

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

Section 1. W.S. 11-18-120 is created to read:
11-18-120. Livestock investigation account.

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

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

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

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

(ii) As defined in W.S. 7-2-101(a)(iv)(E) or (G) to act pursuant to paragraph (a)(ii) or (iii) or subsection (b) of this section; or
(iii) As defined in W.S. 7-2-101(a)(iv)(E), (F) or (J) to act pursuant to subsection (f) of this section.

9-2-1101. Commission; created; definitions.

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

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

9-3-402. Definitions.

(a) As used in this article:
(xviii) "Law enforcement officer" or "officer" means any member who is a county sheriff, deputy county sheriff, municipal police officer, duly authorized investigator of the Wyoming livestock board meeting the specifications of W.S. 7-2-101(a)(iv)(E), investigator employed by the Wyoming state board of outfitters and professional guides meeting the specifications of W.S. 7-2-101(a)(iv)(J), Wyoming correctional officer, probation and parole agent employed by the Wyoming department of corrections, Wyoming law enforcement academy instructor, University of Wyoming campus police officer, detention officer or dispatcher for law enforcement agencies;

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

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

(x) Administer the livestock investigation account.

(b) Nothing in this chapter shall be deemed to authorize the livestock board to employ law enforcement
officers or livestock investigators. This subsection shall not affect the authority of the livestock board to employ brand inspectors as provided by law.

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

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

11-18-113. When state veterinarian authorized to enter premises or vehicle to inspect livestock.
1 In the performance of their official duties, the state veterinarian or any authorized agent or officer of the Wyoming livestock board including a brand inspector may enter any place or vehicle used for the treatment, retention or transportation of livestock, including poultry, or where he has with a search warrant issued by a district court after a finding of probable cause that there is reason to believe any livestock affected with or exposed to infectious, contagious or communicable diseases may be found. A warrant is not required under this section if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant or in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking and a warrant is not constitutionally required.

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

(c) The certificate shall be kept on file by the operator for one (1) year from its date and be made
available for inspection upon request of any law enforcement peace officer or any authorized representative of the board.

11-23-107. Killing of horses for meat; unmutilated hide or certificate of inspection to be produced; penalties.

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


(a) As used in this act:

(viii) "Peace officer" means as defined by W.S. 7-2-101.
11-29-105. Livestock board; certificates or badges to be provided.

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

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

Any peace officer, agent or officer of the board or brand inspector may lawfully interfere to prevent the perpetration of any act of cruelty upon any livestock animal in his presence. Any person who interferes with, obstructs or resists any peace officer or officer or agent of the board—brand inspector in the discharge of his duty shall be fined not less than two hundred dollars ($200.00) nor more than one thousand five hundred dollars.
($1,500.00), or imprisoned not more than one (1) year, or both.

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

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

11-29-109. Livestock board; care of abandoned livestock animals; civil action for expenses; lien.
Any peace officer, agent or officer of the board or brand inspector may take charge of any livestock animal found abandoned, neglected or cruelly treated as defined in W.S. 6-3-203. He shall give notice to the owner, if known, and may care and provide for the livestock animal until the livestock animal is released or destroyed. The expenses of care and provision is a charge against the owner of the livestock animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the livestock animal in a civil action. The board or local government may detain the livestock animals until the expense for food, shelter and care is paid and shall have a lien upon the livestock animals therefor. This lien shall be filed as provided pursuant to W.S. 29-7-101 through 29-7-106.

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

Any peace officer, agent or officer of the board or brand inspector may destroy or cause to be destroyed any livestock animal in his charge when in his judgment and the
judgment of a Wyoming licensed veterinarian or the judgment of the livestock animal owner, the livestock animal appears to be severely injured, severely disabled, diseased past recovery or unfit for any useful purpose. There shall be no right for any future indemnity or payment to the owner for the destruction of any livestock animal destroyed and the peace officer, agent or officer of the board or brand inspector shall be held harmless while acting in accordance with this section.

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

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


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

31-5-102. Definitions.

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

(ii) "Authorized emergency vehicles" means:

(A) Vehicles of fire departments, fire patrols, game and fish law enforcement personnel, livestock board law enforcement personnel, brand inspectors, law enforcement agencies, public and private ambulances, medical rescue units and extrication rescue units;
Section 3. W.S. 6-1-104(a)(vi)(F) and 7-2-101(a)(iv)(E) are repealed.

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

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