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HOUSE BILL 471

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Joseph L. Sanchez and Anita Gonzales

AN ACT

RELATING TO LIVESTOCK; RESTRICTING LIVESTOCK RUNNING AT LARGE
IN TRADITIONAL HISTORIC COMMUNITIES; DEFINING "TRADITIONAL
HISTORIC COMMUNITY".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 77-14-7 NMSA 1978 (being Laws 1909,
Chapter 146, Section 4, as amended) is amended to read:

"77-14-7. LIVESTOCK RUNNING AT LARGE--WHEN UNLAWFUL--
IMPOUNDING--DISPOSITION--SUIT FOR DAMAGES.--

A. It is unlawful for the owners of livestock to
willfully allow the livestock to run at large within the town,
conservancy district, irrigation district, traditional historic
community or military reservation or enclave. An owner who
willfully allows livestock to run at large is guilty of a
misdemeanor and upon conviction shall be punished in accordance

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1 with the provisions of Section 31-19-1 NMSA 1978 for each
2 offense.

3 B. For livestock that is not an equine, the sheriff
4 or other peace officer or proper military authority or the
5 board shall impound livestock found running at large and sell
6 the livestock at public auction to the highest bidder for cash
7 after giving notice of the time and place of sale in some
8 newspaper published in the county where the violation occurred
9 three days prior to the day of sale; provided that in the case
10 of a military reservation or enclave, the sale shall be
11 conducted by the board pursuant to the procedure set forth in
12 Section 77-14-36 NMSA 1978. The proceeds up to ten dollars
13 (\$10.00) per day for each animal shall be retained by the
14 impounding authority to cover its expense and fees. The
15 balance, if any, shall be paid to the general fund.

16 C. For livestock that is an equine, the sheriff,
17 other peace officer, proper military authority or the board
18 shall impound the equine running at large and give notice in
19 some newspaper published in the county where the violation
20 occurred of three days prior to the day of disposition. The
21 notice shall include a description of the equine and state when
22 and where the equine was impounded and that:

23 (1) unless the equine is redeemed by the legal
24 owner within three days after publication of the notice, a
25 registered equine rescue or retirement facility shall be given

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1 the right of first refusal to purchase the equine for an
2 ownership transfer fee equal to all actual costs incurred by
3 the impounding agency in caring for the equine while the equine
4 was impounded;

5 (2) if a registered equine rescue or
6 retirement facility is unable or unwilling to purchase the
7 equine, the board shall auction the equine through a sealed-bid
8 process administered by the board and established in rule;

9 (3) if the equine is not purchased through the
10 sealed-bid process, the board may pursue an alternative
11 placement for care with a last resort option to humanely
12 euthanize the equine by a licensed veterinarian; and

13 (4) any proceeds from the sale of an equine
14 pursuant to this subsection shall be retained by the impounding
15 authority to cover its expenses and costs, and the balance, if
16 any, shall be paid to the general fund.

17 D. The owner of livestock impounded may redeem the
18 livestock at any time prior to disposition by paying the
19 impound fees and costs incurred for each day or portion of a
20 day that the livestock has been in custody; provided that in
21 the case of a military reservation or enclave, redemption shall
22 be allowed pursuant to Section 77-14-36 NMSA 1978.

23 E. A person claiming damages for violation of the
24 provisions of Subsection A of this section may file suit to
25 recover damages as in other civil cases; provided that such

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1 damages, in the case of a violation involving a military
2 reservation or enclave, shall include direct, indirect,
3 incidental and consequential damages.

4 F. As used in this section, "traditional historic
5 community" means an area that:

6 (1) is an unincorporated area of a county;

7 (2) is an identifiable village, community,
8 neighborhood or district that can be documented as having
9 existed for more than one hundred years;

10 (3) includes structures or landmarks that are
11 associated with the identity of the area seeking designation as
12 a traditional historic community;

13 (4) is of a distinctive character or
14 traditional quality that can be distinguished from surrounding
15 areas or new developments in the vicinity; and

16 (5) has been declared a traditional historic
17 community by an ordinance of the board of county commissioners
18 of the county in which the area is located."

19 SECTION 2. Section 77-14-36 NMSA 1978 (being Laws 1975,
20 Chapter 329, Section 1, as amended) is amended to read:

21 "77-14-36. IMPOUNDMENT OF TRESPASS LIVESTOCK.--

22 A. Any livestock found to be in trespass upon the
23 lands of another or running at large upon any public highway
24 that is fenced on both sides or running at large within the
25 limits of any municipality, town or village, whether

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1 incorporated or not, or traditional historic community or
2 within a military reservation or enclave is subject to
3 impoundment by an agent of the board. The place of impoundment
4 shall be at the nearest or most convenient location from where
5 the trespass occurred.

6 B. Any livestock impounded under the provisions of
7 this section shall be released to the owner or the owner's
8 representative upon the payment by the owner of a fee set by
9 regulation of the board not to exceed amounts prescribed by law
10 for impounding.

11 C. The board shall designate a custodian and a
12 place of impoundment and allow a reasonable fee to be charged
13 by the custodian of the impounded livestock; provided that in
14 case of a controversy as to what constitutes a reasonable
15 charge, the board shall set the amount of the charge.

16 D. This section shall not be construed to affect
17 the obligation of a property owner of meeting the requirements
18 of Section 77-16-1 NMSA 1978 for fencing against such
19 trespasses.

20 E. Any cost charged against trespass livestock will
21 be a lien on the livestock. If the owner does not pay the
22 charges and reclaim possession of the livestock within five
23 days after receipt of notification by the owner, the livestock
24 shall be considered unclaimed estrays and may be disposed of in
25 accordance with the provisions of Section 77-13-5 NMSA 1978.

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F. As used in this section, "traditional historic community" means an area that:

(1) is an unincorporated area of a county;

(2) is an identifiable village, community, neighborhood or district that can be documented as having existed for more than one hundred years;

(3) includes structures or landmarks that are associated with the identity of the area seeking designation as a traditional historic community;

(4) is of a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity; and

(5) has been declared a traditional historic community by an ordinance of the board of county commissioners of the county in which the area is located."