

1 SENATE BILL 126

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Pat Woods

5
6
7
8
9
10 AN ACT

11 RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE NMSA 1978 TO
12 CHANGE THE DEFINITIONS OF "ANIMALS" AND "LIVESTOCK".

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 30-18-1.2 NMSA 1978 (being Laws 1999,
16 Chapter 107, Section 3, as amended) is amended to read:

17 "30-18-1.2. DISPOSITION OF SEIZED ANIMALS.--

18 A. If the court finds that a seized animal is not
19 being cruelly treated and that the animal's owner is able to
20 provide for the animal adequately, the court shall return the
21 animal to its owner.

22 B. If the court finds that a seized animal is being
23 cruelly treated or that the animal's owner is unable to provide
24 for the animal adequately, the court shall hold a hearing to
25 determine the disposition of the animal.

.205418.5

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material]~~ = delete

1 C. An agent of the New Mexico livestock board, an
2 animal control agency operated by the state, a county or a
3 municipality or an animal shelter or other animal welfare
4 organization designated by an animal control agency or an
5 animal shelter, in the custody of which an animal that has been
6 cruelly treated has been placed may petition the court to
7 request that the animal's owner may be ordered to post security
8 with the court to indemnify the costs incurred to care and
9 provide for the seized animal pending the disposition of any
10 criminal charges of committing cruelty to animals pending
11 against the animal's owner.

12 D. The court shall determine the amount of security
13 while taking into consideration all of the circumstances of the
14 case, including the owner's ability to pay, and may conduct
15 periodic reviews of its order. If the posting of security is
16 ordered, the animal control agency, animal shelter or animal
17 welfare organization may, with permission of the court, draw
18 from the security to indemnify the costs incurred to care and
19 provide for the seized animal pending disposition of the
20 criminal charges.

21 E. If the owner of the animal does not post
22 security within fifteen days after the issuance of the order,
23 or if, after reasonable and diligent attempts the owner cannot
24 be located, the animal may be deemed abandoned and relinquished
25 to the animal control agency, animal shelter or animal welfare

.205418.5

underscored material = new
[bracketed material] = delete

1 organization for adoption or humane destruction; provided that
2 if the animal is livestock other than poultry associated with
3 cockfighting, the animal may be sold pursuant to the procedures
4 set forth in Section 77-18-2 NMSA 1978.

5 F. Nothing in this section shall prohibit an owner
6 from voluntarily relinquishing an animal to an animal control
7 agency or shelter in lieu of posting security. A voluntary
8 relinquishment shall not preclude further prosecution of any
9 criminal charges alleging that the owner has committed felony
10 cruelty to animals.

11 G. Upon conviction, the court shall place the
12 animal with an animal shelter or animal welfare organization
13 for placement or for humane destruction.

14 H. As used in this section, "livestock" means all
15 ~~[domestic or domesticated animals that are used or raised on a~~
16 ~~farm or ranch and exotic animals in captivity and includes]~~
17 horses, asses, mules, cattle, sheep, goats, swine, bison,
18 poultry, ostriches, emus, rheas, camelids and farmed cervidae,
19 including the carcasses thereof, and exotic animals in
20 captivity, but "livestock" does not include canine or feline
21 animals or feral hogs."

22 SECTION 2. Section 77-2-1.1 NMSA 1978 (being Laws 1993,
23 Chapter 248, Section 2, as amended) is amended to read:

24 "77-2-1.1. DEFINITIONS.--As used in The Livestock Code:

25 A. "animals" or "livestock" means all ~~[domestic or~~

.205418.5

underscoring material = new
[bracketed material] = delete

1 ~~domesticated animals that are used or raised on a farm or~~
2 ~~ranch, including the carcasses thereof, and exotic animals in~~
3 ~~captivity and includes]~~ horses, asses, mules, cattle, sheep,
4 goats, swine, bison, poultry, ostriches, emus, rheas, camelids
5 and farmed cervidae upon any land in New Mexico, including the
6 carcasses thereof, and exotic animals in captivity. "Animals"
7 or "livestock" does not include canine or feline animals or
8 feral hogs;

9 B. "bill of sale" means an instrument in
10 substantially the form specified in The Livestock Code by which
11 the owner or the owner's authorized agent transfers to the
12 buyer the title to animals described in the bill of sale;

13 C. "bison" or "buffalo" means a bovine animal of
14 the species bison;

15 D. "board" means the New Mexico livestock board;

16 E. "bond" means cash or an insurance agreement from
17 a New Mexico licensed surety or insurance corporation pledging
18 surety for financial loss caused to another, including
19 certificate of deposit, letter of credit or other surety as may
20 be approved by the grain inspection, packers and stockyards
21 administration of the United States department of agriculture
22 or the board;

23 F. "brand" means a symbol or device in a form
24 approved by and recorded with the board as may be sufficient to
25 readily distinguish livestock should they become intermixed

.205418.5

1 with other livestock;

2 G. "brand inspector" means an inspector who is not
3 certified as a peace officer;

4 H. "carcasses" means dead or dressed bodies of
5 livestock or parts thereof;

6 I. "cattle" means animals of the genus bos,
7 including dairy cattle, and does not include any other kind of
8 livestock;

9 J. "dairy cattle" means animals of the genus bos
10 raised not for consumption but for dairy products and
11 distinguished from meat breed cattle;

12 K. "director" means the executive director of the
13 board;

14 L. "disease" means a communicable, infectious or
15 contagious disease;

16 M. "district" means a livestock inspection
17 district;

18 N. "estrays" means livestock found running at large
19 upon public or private lands, either fenced or unfenced, whose
20 owner is unknown, or that is branded with a brand that is not
21 on record in the office of the board or is a freshly branded or
22 marked offspring not with its branded or marked mother, unless
23 other proof of ownership is produced;

24 O. "inspector" means a livestock or brand
25 inspector;

.205418.5

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P. "livestock inspector" means a certified inspector who is granted full law enforcement powers for enforcement of The Livestock Code and other criminal laws relating to livestock;

Q. "mark" means an ear tag or ownership mark that is not a brand;

R. "meat" means the edible flesh of poultry, birds or animals sold for human consumption and includes livestock, poultry and livestock and poultry products;

S. "mule" means a hybrid resulting from the cross of a horse and an ass; and

T. "person" means an individual, firm, partnership, association, corporation or similar legal entity."