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HOUSE BILL 54

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Joanne J. Ferrary

AN ACT

RELATING TO ANIMALS; AMENDING A SECTION OF THE NMSA 1978
PERTAINING TO DOGS THAT KILL OR INJURE LIVESTOCK; REMOVING A
REQUIREMENT THAT A DOG THAT KILLS POULTRY MUST BE KILLED.

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

SECTION 1. Section 77-1-2 NMSA 1978 (being Laws 1901,
Chapter 105, Section 2, as amended) is amended to read:

"77-1-2. DOG KILLING OR INJURING LIVESTOCK OR POULTRY--
DAMAGES--DISPOSITION OF DOG [~~TO BE KILLED~~].--

A. If [~~any~~] a dog [~~shall kill~~] kills or [~~injure~~
~~any~~] injures livestock or poultry, the owner or keeper of
[~~such~~] the dog [~~shall be~~] is liable for all damages that may be
sustained thereby, to be recovered by the party so injured
before [~~any~~] a court having competent jurisdiction. [~~and~~]

B. It [~~shall be~~] is unlawful to keep [~~such~~] a dog

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 after it is known that the dog is liable to kill livestock, and
2 it ~~[shall be]~~ is the duty of the owner to kill or have killed
3 the dog upon order of the court after a finding that the dog
4 has killed or injured livestock. ~~[and provided further, that]~~

5 C. It ~~[shall be]~~ is the right of ~~[any]~~ an owner of
6 livestock ~~[so]~~ or poultry killed or injured by the actions of
7 ~~[any]~~ a dog to kill the dog while it is upon property
8 controlled by the owner of the livestock or poultry.

9 D. For the purposes of this section:

10 (1) "livestock" means domestic or domesticated
11 animals that are used or raised on a farm or ranch, including
12 exotic animals in captivity, and includes horses, asses, mules,
13 cattle, sheep, goats, swine, bison, ostriches, emus, rheas,
14 camelids and farmed cervidae, but does not include poultry,
15 canine animals or feline animals; and

16 (2) "poultry" means domestic or domesticated
17 fowl, including chickens, turkeys, ducks, geese and any other
18 domestic or domesticated bird kept for its eggs or flesh, but
19 does not include ostriches, emus or rheas."