

AN ACT

RELATING TO LIVESTOCK; CLARIFYING THAT LIVESTOCK INSPECTORS  
HAVE JURISDICTION OVER CRIMES INVOLVING LIVESTOCK.

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

Section 1. A new section of Chapter 30, Article 18  
NMSA 1978 is enacted to read:

"LIVESTOCK CRIMES--LIVESTOCK INSPECTORS TO ENFORCE. --  
Livestock inspectors who are certified peace officers shall  
enforce the provisions of Chapter 30, Article 18 NMSA 1978  
and other criminal laws relating to livestock. "

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

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

A. "animals" or "livestock" means all domestic or  
domesticated animals that are used or raised on a farm or  
ranch, including the carcasses thereof, and exotic animals in  
captivity and includes horses, asses, mules, cattle, sheep,  
goats, swine, bison, poultry, ostriches, emus, rheas,  
camelids and farmed cervidae upon any land in New Mexico;  
provided that for the purposes of Chapter 77, Article 9 NMSA  
1978, "animals" or "livestock" have the meaning defined in  
that article. "Animals" or "livestock" does not include  
canine or feline animals. For the purpose of the rules

governing meat inspection, wild animals, poultry and birds used for human consumption shall also be included within the meaning of "animals" or "livestock";

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

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

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

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

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

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

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

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

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

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

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

M. "district" means a livestock inspection district;

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

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

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."

Section 3. Section 77-2-9 NMSA 1978 (being Laws 1967, Chapter 213, Section 8, as amended) is amended to read:

"77-2-9. REPORTS OF INSPECTORS--PROSECUTION OF VIOLATIONS OF LIVESTOCK LAWS. --

A. The board shall keep reports of its veterinarians and inspectors in accordance with the Public Records Act.

B. The board shall assist in the prosecution of persons charged with the violation of the livestock laws, including criminal laws relating to livestock, and may call upon a livestock inspector or other peace officer to execute its orders, and when it does, the peace officer shall obey the order of the board.

C. Livestock inspectors may arrest persons found in the act or whom they have probable cause to believe to be guilty of driving, holding or slaughtering stolen livestock;

of violating the inspection laws of the state; or of violating any provision of Chapter 30, Article 18 NMSA 1978 relating to livestock or other criminal law relating to livestock."

Section 4. Section 77-9-33 NMSA 1978 (being Laws 1891, Chapter 34, Section 7, as amended) is amended to read:

"77-9-33. INSPECTION OF EXPORTED LIVESTOCK--REPORT--  
INSPECTION OF SLAUGHTERHOUSES--PENALTY.--Every inspector shall be an inspector of brands and ear marks and also an inspector of hides and slaughterhouses, and it is the duty of the inspectors to inspect the brands and ear marks of all livestock transported or driven from a district or out of this state and to make a sworn report to the director of the result of such inspection at least once every thirty days and more often if, in the opinion of the board, it is necessary. Every slaughterhouse in this state shall be carefully inspected by the inspectors, and all hides found in slaughterhouses shall be carefully compared with the records of the slaughterhouses and a report in writing setting forth the number of livestock killed at the slaughterhouse since the last inspection, the names of the persons for whom each of the livestock were slaughtered, the brands and marks upon each hide and any information that may be obtained touching the violation by the owner of any slaughterhouse, or any other person, of any of the provisions of Sections 77-17-9

and 77-17-10 NMSA 1978. For the purpose of making an inspection, an inspector has the right to enter in the day or night any slaughterhouse or other place where livestock are killed in this state and to carefully examine the premises and all books and records required by law to be kept on the premises and to compare the hides found with the records. A person who hinders or obstructs or attempts to hinder or obstruct an inspector in the performance of any of the duties required of him by law is guilty of a misdemeanor and on conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978 for each offense."           

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