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HOUSE BILL 284

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Joe M Stell

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:**

**" NEW MATERIAL 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**

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1 ranch, including the carcasses thereof, and exotic animals in
2 captivity and includes horses, asses, mules, cattle, sheep,
3 goats, swine, bison, poultry, ostriches, emus, rheas, camelids
4 and farmed cervidae upon any land in New Mexico; provided that
5 for the purposes of Chapter 77, Article 9 NMSA 1978, "animals"
6 or "livestock" have the meaning defined in that article.

7 "Animals" or "livestock" does not include canine or feline
8 animals. For the purpose of the rules governing meat
9 inspection, wild animals, poultry and birds used for human
10 consumption shall also be included within the meaning of
11 "animals" or "livestock" [~~or "animal"~~];

12 B. "bill of sale" means an instrument in
13 substantially the form specified in The Livestock Code by
14 which the owner or his authorized agent transfers to the buyer
15 the title to animals described [~~therein~~] in the bill of sale;

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

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

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

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

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

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

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

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

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

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

19 M. "district" means a livestock inspection
20 district;

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

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1 unless other proof of ownership is produced;

2 0. "inspector" means a livestock or brand
3 inspector;

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

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

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

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

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

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

20 "77-2-9. REPORTS OF INSPECTORS--PROSECUTION OF
21 VIOLATIONS OF LIVESTOCK LAWS. --

22 A. The [~~New Mexico livestock~~] board shall keep
23 reports of its veterinarians and inspectors in accordance with
24 the Public Records Act.

25 B. The [~~New Mexico livestock~~] board shall assist

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1 in the prosecution of persons charged with the violation of
2 the livestock laws, including criminal laws relating to
3 livestock, and may call upon [~~any~~] a livestock inspector or
4 other peace officer to execute its orders, and when it does,
5 the peace officer [~~or inspector~~] shall obey the order of the
6 board.

7 C. Livestock inspectors may arrest persons found
8 in the act or whom they have good reason to believe to be
9 guilty of driving, holding or slaughtering stolen livestock;
10 of violating the inspection laws of the state; or of violating
11 any provision of Chapter 30, Article 18 NMSA 1978 relating to
12 livestock or other criminal law relating to livestock."

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

15 "77-9-33. INSPECTION OF EXPORTED LIVESTOCK--REPORT--
16 INSPECTION OF SLAUGHTERHOUSES--PENALTY.--[A-] Every inspector
17 shall be an inspector of brands and ear marks and also an
18 inspector of hides and slaughterhouses, and it is the duty of
19 the inspectors to inspect the brands and ear marks of all
20 livestock transported or driven from a district or out of this
21 state and to make a sworn report to the director of the result
22 of such inspection at least once every thirty days and more
23 often if, in the opinion of the board, it is necessary. Every
24 slaughterhouse in this state shall be carefully inspected by
25 the inspectors, and all hides found in slaughterhouses shall

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1 be carefully compared with the records of the slaughterhouses
2 and a report in writing setting forth the number of livestock
3 killed at the slaughterhouse since the last inspection, the
4 names of the persons for whom each of the livestock were
5 slaughtered, the brands and marks upon each hide and any
6 information that may be obtained touching the violation by the
7 owner of any slaughterhouse, or any other person, of any of
8 the provisions of Sections 77-17-9 [~~through 77-17-11~~] and
9 77-17-10 NMSA 1978. For the purpose of making an inspection,
10 an inspector has the right to enter in the day or night any
11 slaughterhouse or other place where livestock are killed in
12 this state and to carefully examine the premises and all books
13 and records required by law to be kept on the premises and to
14 compare the hides found with the records. A person who
15 hinders or obstructs or attempts to hinder or obstruct an
16 inspector in the performance of any of the duties required of
17 him by law is guilty of a misdemeanor and on conviction shall
18 be sentenced in accordance with the provisions of Section
19 31-19-1 NMSA 1978 for each offense.

20 ~~[B.—Livestock inspectors may arrest persons found~~
21 ~~in the act or whom they have good reason to believe to be~~
22 ~~guilty of driving, holding or slaughtering stolen livestock or~~
23 ~~of violating the inspection laws of the state.—Livestock~~
24 ~~inspectors may carry arms and make arrests in any county in~~
25 ~~the state.—]~~"

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