

By: Representative Holland

To: Agriculture; Judiciary B

HOUSE BILL NO. 6

1 AN ACT TO PRESCRIBE CIVIL AND CRIMINAL PENALTIES UPON OWNERS  
 2 FOR LIVESTOCK THAT TRESPASS ONTO THE PROPERTY OF ANOTHER AND  
 3 CAUSES PERSONAL INJURY OR PROPERTY DAMAGE ON SAID PROPERTY AS A  
 4 RESULT OF THE TRESPASS; TO REQUIRE THE LANDOWNER TO ATTEMPT TO  
 5 CONTACT THE OWNER OF THE TRESPASSING LIVESTOCK WITHIN FORTY-EIGHT  
 6 HOURS OF THE TRESPASS; TO PERMIT THE LANDOWNER TO CONTAIN THE  
 7 LIVESTOCK AND RECOUP THE COST OF CONTAINMENT FROM THE OWNER OF THE  
 8 LIVESTOCK; TO REQUIRE THE SHERIFF TO TAKE POSSESSION OF THE  
 9 LIVESTOCK IF OWNERSHIP CANNOT BE DETERMINED OR THE LIVESTOCK IS  
 10 RECOVERED WITHIN TEN DAYS OF NOTIFICATION; TO AUTHORIZE THE  
 11 SHERIFF TO SELL THE LIVESTOCK AFTER PUBLISHING LEGAL NOTICE AND TO  
 12 PROVIDE FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE; AND FOR  
 13 RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** (1) If livestock enters the property of a  
 16 landowner without that landowner's consent, the owner of the  
 17 livestock is liable for damages for personal injury or property  
 18 damage in a civil action in county or circuit court.

19 (2) The landowner must attempt to contact the owner of the  
 20 trespassing livestock within forty-eight (48) hours of the  
 21 trespass. If the owner cannot be contacted within forty-eight  
 22 (48) hours, the landowner shall notify the county sheriff.



23 (3) The landowner may contain the trespassing livestock on  
24 his or her property, but is not required to do so. If the  
25 landowner is able to contact the owner of the trespassing  
26 livestock pursuant to subsection (1) of this section, he or she  
27 shall also inform the owner of the costs of containment.

28 (4) The owner of the trespassing livestock and the landowner  
29 shall attempt to mutually agree upon a fair cost for any  
30 containment. A fair cost for containment is an amount which would  
31 be allowed for the sheriff for containing similar livestock. If  
32 the negotiation fails, or if the landowner is not otherwise  
33 reimbursed for the costs for containment, the landowner may seek  
34 monetary damages in a civil action for these costs.

35 **SECTION 2.** (1) If the owner of trespassing livestock cannot  
36 be determined, or if the trespassing livestock has not been  
37 recovered within ten (10) days of notifying the owner, the county  
38 sheriff shall take possession of the trespassing livestock.

39 (2) The county sheriff may return the livestock to its owner  
40 and seek reimbursement for containment costs. If attempts to  
41 return the livestock to the owner fails, the sheriff may, after  
42 publishing notice as a legal advertisement, sell the livestock to  
43 the highest bidder at a public livestock auction.

44 (3) The proceeds of the livestock sale shall be distributed  
45 in the following order:

46 (a) Costs incident to the sale;



47 (b) Costs of containment incurred by the sheriff and  
48 the landowner;

49 (c) Any remaining amount to the owner of the  
50 trespassing livestock; and

51 (d) If the owner is unknown or does not claim the  
52 amount remaining within ninety (90) days, that amount shall be  
53 deposited into the county treasury.

54 **SECTION 3.** (1) While livestock may escape enclosures due to  
55 accident or unforeseen circumstances, it is unlawful for the owner  
56 of livestock to negligently permit livestock to run at large and  
57 trespass on the property of other landowners.

58 (2) (a) If livestock injures a person or destroys the  
59 property of another person while negligently trespassing, the  
60 owner of the livestock shall be given an oral or written warning  
61 for the first offense in addition to being held civilly liable for  
62 damages for personal injury or property damage.

63 (b) For a second offense within six (6) months of the  
64 first, the owner is both civilly liable and guilty of a  
65 misdemeanor and, upon conviction thereof, shall be fined not less  
66 than One Hundred Dollars (\$100.00) nor more than Five Hundred  
67 Dollars (\$500.00), or by imprisonment in the county jail for a  
68 term of not less than ten (10) days nor more than thirty (30)  
69 days, or both, in the discretion of the court.

70 (c) For a third or subsequent offense within six (6)  
71 months of the second or subsequent offense, the owner is both



72 civilly liable and guilty of a misdemeanor and, upon conviction  
73 thereof, shall be fined not less than Five Hundred Dollars  
74 (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by  
75 imprisonment in the county jail for a term of not less than thirty  
76 (30) days nor more than one hundred (100) days, or both, in the  
77 discretion of the court.

78         **SECTION 4.** This act shall take effect and be in force from  
79 and after July 1, 2018.

