

SECOND REGULAR SESSION

# SENATE BILL NO. 844

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Pre-filed January 5, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5555S.011

## AN ACT

To repeal sections 272.030 and 272.230, RSMo, and to enact in lieu thereof one new section relating to livestock trespass.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 272.030 and 272.230, RSMo, are repealed and one new  
2 section enacted in lieu thereof, to be known as section 272.030, to read as follows:  
272.030. If any horses, cattle or other stock shall break over or through  
2 any lawful fence, as defined in section 272.020, and by so doing obtain access to,  
3 or do trespass upon, the premises of another, the owner of such animal shall[, for  
4 the first trespass, make reparation to the party injured for the true value of the  
5 damages sustained, to be recovered with costs before a circuit or associate circuit  
6 judge, and for any subsequent trespass the party injured may put up said animal  
7 or animals and take good care of the same and immediately notify the owner, who  
8 shall pay to taker-up the amount of the damages sustained, and such  
9 compensation as shall be reasonable for the taking up and keeping of such  
10 animals, before he shall be allowed to remove the same, and if the owner and  
11 taker-up cannot agree upon the amount of the damages and compensation, either  
12 party may institute an action in circuit court as in other civil cases. If the owner  
13 recover, he shall recover his costs and any damages he may have sustained, and  
14 the court shall issue an order requiring the taker-up to deliver to him the  
15 animals. If the taker-up recover, the judgment shall be a lien upon the animals  
16 taken up, and in addition to a general judgment and execution, he shall have a  
17 special execution against such animals to pay the judgment rendered, and costs]  
18 **be liable for any damages sustained if the owner of the trespassing**  
19 **horses, cattle, or other stock was negligent.**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

2 [272.230. If any horses, cattle or other stock trespass upon  
3 the premises of another, the owner of the animal shall for the first  
4 trespass make reparation to the party injured for the true value of  
5 the damages sustained, to be recovered with costs before an  
6 associate circuit judge, or in any court of competent jurisdiction,  
7 and for any subsequent trespass the party injured may put up the  
8 animal or animals and take good care of them and immediately  
9 notify the owner, who shall pay to the taker-up the amount of the  
10 damages sustained, and such compensation as shall be reasonable  
11 for the taking up and keeping of the animals, before he shall be  
12 allowed to remove them, and if the owner and taker-up cannot  
13 agree upon the amount of the damages and compensation either  
14 party may make complaint to an associate circuit judge of the  
15 county, setting forth the fact of the disagreement, and the associate  
16 circuit judge shall be possessed of the cause, and shall issue a  
17 summons to the adverse party and proceed with the cause as in  
18 other civil cases. If the owner recovers, he shall recover his costs  
19 and any damages he may have sustained, and the associate circuit  
20 judge shall issue an order requiring the taker-up to deliver to him  
21 the animals. If the taker-up recover, the judgment shall be a lien  
22 upon the animals taken up, and, in addition to a general judgment  
23 and execution, he shall have a special execution against the  
animals to pay the judgment rendered and costs.]

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