

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 844

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

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

Read 2nd time January 12, 2016, and referred to the Committee on Agriculture, Food Production and Outdoor Resources.

Reported from the Committee February 25, 2016, with recommendation that the bill do pass.

Taken up for Perfection March 29, 2016. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

5555S.01P

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Section A. Sections 272.030 and 272.230, RSMo, are repealed and one new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

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

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.**

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

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