

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0209

HOUSE BILL NO. 1038

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to increase the penalty for leaving the brand inspection area
2 without necessary inspection and authorization.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 40-20-4 be amended to read as follows:

5 40-20-4. Except as provided in this chapter, it is a ~~Class 2~~ Class 1 misdemeanor for any
6 person to remove or authorize the removal of any livestock from any point within the livestock
7 ownership inspection area to any point within one mile of the border with a destination outside
8 the ownership inspection area unless the livestock have first been inspected for ownership and
9 unless the shipper possesses the local inspection certificate, market clearance, shippers permit,
10 or such other form of authorization as may be required by the board. Except as provided in § 40-
11 20-29, a local inspection certificate is valid for transportation of livestock out of the inspection
12 area only on the date issued. If there is no valid local inspection certificate, the livestock shall
13 be inspected before leaving the inspection area. Livestock being removed from the ownership
14 inspection area without authorization from the board may be impounded by any law
15 enforcement officer until the livestock are inspected for ownership by an authorized brand



1 inspector. The venue of any offense under this section is in the county where such livestock
2 were loaded or in any county through which the livestock were transported or trailed. Any
3 livestock being transported to a destination outside the ownership inspection area shall be
4 inspected for ownership if they cease to be in the custody of the carrier at any time prior to
5 leaving the ownership inspection area. Any livestock shipper within the livestock ownership
6 inspection area wanting livestock inspected as provided in this section shall notify an inspector
7 in advance of the inspection and allow the inspector reasonable time to provide the inspection.