

FIRST REGULAR SESSION

SENATE BILL NO. 315

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS,

Read 1st time January 17, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1335S.011

AN ACT

To repeal section 270.170, RSMo 2000, relating to restraining animals, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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

Section A. Section 270.170, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 270.170, 270.260 and 270.400, to read as follows:

270.170. **1.** If any swine or sheep shall be found running at large, contrary to the provisions of this chapter, it shall be lawful for any person on whose premises said swine or sheep shall be found to restrain the same forthwith, and give the owner, if known, notice in writing that **[he] such person** has restrained said swine or sheep, and the amount of damages **[he] such person** claims in the premises, and requiring the owner to take said swine or sheep away and pay such damages; and such owner shall pay such person a reasonable sum for taking up, feeding and caring for the same, and the actual damages done by said swine or sheep. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine or sheep be unknown, such swine or sheep shall be disposed of in the manner provided for in section 270.180.

2. Any swine not conspicuously identified by ear tags or other forms of identification and born in the wild or that lived outside of captivity for a sufficient length of time to be wild by nature by hiding from humans and being nocturnal shall be considered feral hogs. Any person may take or kill such feral hogs on such person's own property.

270.260. Any person who knowingly releases any swine to live in a wild or feral

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

state upon any public land or private land not completely enclosed by a fence capable of containing such animals is guilty of a class A misdemeanor. Each swine so released shall be a separate offense.

270.400. 1. For purposes of this section, the term "feral hog" means any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission.

2. A person may kill a feral hog roaming freely upon such person's land and shall not be liable to the owner of the hog for the loss of the hog.

3. Any person may take or kill a feral hog on public land or private land with the consent of the landowner; except that, during the firearms deer and turkey hunting season the regulations of the Missouri Wildlife Code shall apply. Such person shall not be liable to the owner of the hog for the loss of such hog.

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