

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Section A. Sections 272.030 and 272.230, RSMo, are repealed and one new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