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Amending 8-3-12, Colorado Revised Statutes 1963, Concerning Penalties for Shipping Livestock Without Brand Inspection

Colorado General Assembly

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CHAPTER 146

AGRICULTURE III—LIVESTOCK

TRANSPORTATION OF LIVESTOCK

(Senate Bill No. 215. By Senators DeBerard, Anderson, Denny, Hobbs, and Locke; also Representatives Baer, Cresswell, Johnson, Morris, O'Donnell, Porter, Schafer, Shore, Sonnenberg, Strickland, and Woodfin.)

AN ACT

AMENDING 8-3-12, COLORADO REVISED STATUTES 1963, CONCERNING PENALTIES FOR SHIPPING LIVESTOCK WITHOUT BRAND INSPECTION.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 8-3-12, Colorado Revised Statutes 1963, is REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

8-3-12. Shipping prior to inspection—penalty.—(1) Any person, firm, association, partnership, or corporation, or any employee thereof, who willfully violates any provision of sections 8-3-1 through 8-3-12, except as otherwise provided therein, or who shall move or cause to be moved any single head or any herd of cattle, horses, or mules within this state or beyond the boundaries of this state without having had the same inspected and cleared by a Colorado brand inspector, is guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment. Upon conviction of a second violation of this section, such person shall be fined not less than five hundred dollars nor more than one thousand dollars and imprisoned in the county jail for not less than ninety days nor more than one year. Neither such fine nor imprisonment shall be suspended by the court, nor shall such person be granted probation by the court. Upon conviction of a third or subsequent offense, such person shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not less than one year nor more than five years. Nothing in sections 8-3-1 to 8-3-12 shall be construed as repealing the laws now in force respecting the theft of livestock.

(2) It shall be the duty of the district attorney of the judicial district in this state in which any such violation occurs to initiate criminal proceedings and prosecute the same to effectively enforce the provisions of this section.

Section 2. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 1967