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### Amending 8-4-1, 8-4-2, and 8-4-13, Colorado Revised Statutes 1963, Concerning Estrays.

Colorado General Assembly

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## CHAPTER 45

## AGRICULTURE III — LIVESTOCK

## ESTRAYS

(House Bill No. 1446. By Representatives Sonnenberg, Baer, Schafer, and Showalter; also Senator Chance.)

## A N A C T

AMENDING 8-4-1, 8-4-2, 8-4-12, AND 8-4-13, COLORADO REVISED STATUTES 1963, CONCERNING ESTRAYS.

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

Section 1. 8-4-1, Colorado Revised Statutes 1963, is amended to read:

**8-4-1. Estray defined.**—Any bovine animal, horse, mule, or ass, found running at large upon public or private lands in the state of Colorado, whose owner is EITHER KNOWN OR unknown in the section where found or which shall be ~~fifty miles or more from~~ OUTSIDE the limits of its usual range or pasture shall be known as an "estrays", and it shall be unlawful for any person, corporation, or company, or their or either of their employees or agents to take up any such estray and retain possession of same, except as provided in this article.

Section 2. 8-4-2, Colorado Revised Statutes 1963, is amended to read:

**8-4-2. Taking up estrays—notice.**—No person shall MAY take up an estray animal except in the county where he resides and ~~is a householder, nor~~ unless the same be found in the vicinity of his residence: TRESPASSING UPON LANDS OWNED, LEASED, OR OTHERWISE CONTROLLED BY HIM. THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS OR AN AUTHORIZED BRAND INSPECTOR REPRESENTING SAID BOARD SHALL HAVE AUTHORITY TO MOVE THE ESTRAY ANIMAL OR ANIMALS SO TAKEN UP TO A SAFE AND PRACTICAL PLACE WITHIN THE IMMEDIATE VICINITY TO BE HELD DURING THE LEGAL ADVERTISING PERIOD. When any person shall take up an estray, within five days thereafter he shall make out a written description of such animal, setting forth all marks or brands appearing upon such animal and other marks of identity, such as color, age, size, sex, POSSIBLE OWNER, and forward the same by mail to the state board of stock inspection commissioners at Denver, OR NOTIFY THE NEAREST AUTHORIZED BRAND INSPECTOR. Any person having knowledge of any estray animal upon the public range may notify the state board of stock inspection commissioners, or any authorized brand inspector of said board, giving A description of said estray, and upon instructions from said board of stock inspection commissioners, or from an authorized

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

inspector of said board, said estray shall be driven to a railroad shipping point and there HELD BY SUCH PERSON TO BE turned over to a duly authorized inspector of said board for disposition, as the board may direct according to law.

Section 3. 8-4-12, Colorado Revised Statutes 1963, is amended to read:

8-4-12. Abandoned livestock.—(1) The state board of stock inspection commissioners shall have the charge and control of all stock ~~on the range~~ LIVESTOCK abandoned or neglected by the owners thereof, and any officer or agent of the state board of stock inspection commissioners may take charge of any such stock or animals found abandoned or neglected; provided that such stock or animals shall not be considered abandoned or neglected unless suffering for the want of proper food or water.

(2) The state board of stock inspection commissioners, upon taking charge of any such stock or animals shall forthwith give notice to the owners thereof, if known, and shall care and provide for such stock or animals for a period of ~~thirty~~ TEN days from and after the mailing or giving of such notice to the owners of said animals, or until the owners shall take charge of the same within said ~~thirty~~ TEN days. The expense of such care and provision shall be a lien upon such stock or animals and shall be paid by the owners to the said state board of stock inspection commissioners before the owners shall be entitled to the possession of the animals.

(3) Upon the owner's failure to pay said expense charges, said stock or animals or such a number thereof as may be necessary, shall be sold to the best advantage, by the state board of stock inspection commissioners in its discretion at public or private sale and the proceeds of such sale shall be paid to the owners, after all expenses incurred for the care and provision of said animals and all costs of said sale are deducted. The purchaser at such sale shall be entitled to a bill of sale from the state board of stock inspection commissioners, by virtue of which the purchaser shall acquire a good and valid title; provided, that no sale shall be made previous to the expiration of ~~thirty~~ TEN days from and after the date of said notice to the owners.

Section 4. 8-4-13, Colorado Revised Statutes 1963, is amended to read:

8-4-13. Publication of notice—sale.—If the owners of any animals found abandoned or neglected, as provided for in section 8-4-12, shall be unknown to the state board of stock inspection commissioners, its officers or agents, then and in that event the notice required by section 8-4-12 shall be given by publishing the same for ~~two weeks~~ as provided for in the case of animals taken up as estrays. If the owner be not found in ~~thirty~~ TEN days from the date of the first publication of said notice, said animals may be sold. The proceeds, after deducting all expenses of such care, provision and sale, less the sum of one dollar for each animal sold, to be retained by the state board of stock inspection commissioners, shall be turned into the estray fund of said board, subject to the provisions of the law controlling the distribution of said fund. The one dollar retained for each animal sold, shall be turned into the brand inspection fund of said board, subject to the provisions of the law controlling the distribution of said brand inspection fund.

Section 5. Effective date.—This act shall take effect June 1, 1969.

Section 6. 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: May 31, 1969