

FIRST REGULAR SESSION

# HOUSE BILL NO. 372

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

0817H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 272.030 and 272.230, RSMo, and to enact in lieu thereof two new sections relating to livestock trespass.

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*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Section A. Sections 272.030 and 272.230, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 272.030 and 272.230, to read as follows:

272.030. If any horses, cattle or other stock shall break over or through any lawful fence,  
2 as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises  
3 of another, the owner of such animal shall, for the first trespass, make reparation to the party  
4 injured for the true value of the damages sustained, to be recovered with costs before a circuit  
5 or associate circuit judge, and for any subsequent trespass the party injured may put up said  
6 animal or animals and take good care of the same and immediately notify the owner, who shall  
7 pay to taker-up the amount of the damages sustained, and such compensation as shall be  
8 reasonable for the taking up and keeping of such animals, before he shall be allowed to remove  
9 the same, and if the owner and taker-up cannot agree upon the amount of the damages and  
10 compensation, either party may institute an action in circuit court as in other civil cases. If the  
11 owner recover, he shall recover his costs and any damages he may have sustained, and the court  
12 shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover,  
13 the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and  
14 execution, he shall have a special execution against such animals to pay the judgment rendered,  
15 and costs] **be liable for any damages sustained if the owner of the trespassing horses, cattle,  
16 or other stock was negligent.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

272.230. If any horses, cattle or other stock trespass upon the premises of another, the  
2 owner of the animal shall [for the first trespass make reparation to the party injured for the true  
3 value of the damages sustained, to be recovered with costs before an associate circuit judge, or  
4 in any court of competent jurisdiction, and for any subsequent trespass the party injured may put  
5 up the animal or animals and take good care of them and immediately notify the owner, who  
6 shall pay to the taker-up the amount of the damages sustained, and such compensation as shall  
7 be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove  
8 them, and if the owner and taker-up cannot agree upon the amount of the damages and  
9 compensation either party may make complaint to an associate circuit judge of the county, setting  
10 forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause,  
11 and shall issue a summons to the adverse party and proceed with the cause as in other civil cases.  
12 If the owner recovers, he shall recover his costs and any damages he may have sustained, and the  
13 associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals.  
14 If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition  
15 to a general judgment and execution, he shall have a special execution against the animals to pay  
16 the judgment rendered and costs] **be liable for any damages sustained if the owner of the**  
17 **trespassing horses, cattle, or other stock was negligent.**

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