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SENATE BILL 5547

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State of Washington

54th Legislature

1995 Regular Session

By Senators Fairley, Long, Hargrove, Palmer, Moyer, Schow, McAuliffe, Prentice, Kohl and Winsley

Read first time 01/26/95. Referred to Committee on Agriculture & Agricultural Trade & Development.

1 AN ACT Relating to animals at large; amending RCW 16.24.110 and  
2 16.24.130; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.24.110 and 1989 c 286 s 11 are each amended to read  
5 as follows:

6 (1) Any horses, mules, donkeys, or cattle of any age running at  
7 large or trespassing in violation of chapter 16.24 RCW ((as now or  
8 hereafter amended)), which are not restrained as provided by RCW  
9 16.04.010, are declared to be a public nuisance. The sheriff of the  
10 county where found and the nearest brand inspector shall have authority  
11 to impound such animals which are not restrained as provided by RCW  
12 16.04.010 except when subsection (2) of this section applies.

13 (2)(a) The sheriff or brand inspector in his or her sole discretion  
14 may leave the animal with the person in possession of the animal if the  
15 animal has no brand or tattoo registered with the director of  
16 agriculture and the person:

17 (i) Submits a written request to retain the animal;

18 (ii) Has not retained or requested to retain another animal under  
19 this section for at least five years;

1 (iii) Agrees to return the animal to the owner without compensation  
2 if the owner is identified by the sheriff or brand inspector; and

3 (iv) Has made serious, good faith attempts to find the owner.

4 (b) The sheriff or brand inspector shall review the circumstances  
5 by which the person came into possession of the animal and whether the  
6 person has made serious, good faith attempts to find the owner before  
7 leaving the animal with the person.

8 (c) The sheriff and brand inspector are immune from liability for  
9 good faith actions under this subsection. The decision of the sheriff  
10 or the brand inspector to leave the animal with the person in  
11 possession may not be used as a defense in any later criminal  
12 prosecution or civil proceeding against the person.

13 (d) If the owner is identified at any time, the animal must be  
14 returned to the owner with no compensation to the person in possession.

15 **Sec. 2.** RCW 16.24.130 and 1975 1st ex.s. c 7 s 16 are each amended  
16 to read as follows:

17 The brand inspector shall cause to be published once in a newspaper  
18 published in the county where the animal was found, a notice (~~of the~~  
19 ~~impounding~~) that the animal has been impounded, or retained by the  
20 person in possession under RCW 16.24.110(2).

21 The notice shall state:

22 (1) A description of the animal, including brand, tattoo, or other  
23 identifying characteristics;

24 (2) When and where found;

25 (3) Where impounded or retained; and

26 (4) That if unclaimed, the animal will be sold at a public  
27 livestock market sale, and the date of such sale, or retained by the  
28 person in possession: PROVIDED, That if no newspaper (~~shall be~~) is  
29 published in such county, copies of the notice shall be posted at four  
30 commonly frequented places (~~therein~~) in the county.

31 If the animal is marked with a brand or tattoo which is registered  
32 with the director of agriculture, the brand inspector, on or before the  
33 date of publication or posting, shall send a copy of the notice to the  
34 owner of record by registered mail.

35 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take  
2 effect immediately.

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