

The Senate Committee on Agriculture and Consumer Affairs offered the following substitute to HB 1496:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 4 of the Official Code of Georgia Annotated, relating to  
2 livestock running at large, so as to authorize a sheriff impounding certain livestock running  
3 at large to donate the livestock to an animal rescue organization or private individual instead  
4 of selling it at auction or killing it; to provide for notice; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 4 of the Official Code of Georgia Annotated, relating to livestock running  
9 at large, is amended by revising Code Section 4-3-5, relating to notice of impoundment and  
10 sale of livestock, as follows:

11 "4-3-5.

12 (a) Upon the impounding of any livestock by the sheriff, his or her deputies, or any other  
13 law enforcement officers of the county, the sheriff shall forthwith serve written notice upon  
14 the owner, advising such owner of the location or place where the livestock is being held  
15 and impounded, the amount due as a result of such impounding, and that unless such  
16 livestock is redeemed within three days from that date the livestock shall be offered for

17 sale, or donated pursuant to the provisions of subsection (c) of this Code section. In the  
 18 event the owner of such livestock is unknown or cannot be found, service upon the owner  
 19 shall be obtained by publishing a notice once in a newspaper of general circulation where  
 20 the livestock is impounded, Sundays and holidays excluded. If there is no such newspaper  
 21 then service shall be obtained by posting the notice at the courthouse door and at two other  
 22 conspicuous places within said county. Such notice shall be in substantially the following  
 23 form:

24 'To Whom It May Concern:

25 You are hereby notified that the following described livestock (giving full and accurate  
 26 description of same, including marks and brands) is now impounded at (giving location  
 27 where livestock is impounded) and the amount due by reason of such impounding is  
 28 \_\_\_\_\_ dollars. The above-described livestock will, unless redeemed within three days  
 29 from the date of this notice, be offered for sale at public auction to the highest bidder for  
 30 cash.

31 \_\_\_\_\_  
 32 Date \_\_\_\_\_ Sheriff of  
 33 \_\_\_\_\_ County, Georgia'

34 (b) Unless the impounded livestock is redeemed within three days from the date of the  
 35 notice, or donated pursuant to the provisions of subsection (c) of this Code section, the  
 36 sheriff shall forthwith give notice of sale thereof, which shall be held not less than five days  
 37 nor more than ten days, excluding Sundays and holidays, from the first publication of the  
 38 notice of sale. The notice of sale shall be published in a newspaper of general circulation  
 39 in the county where the livestock is impounded, excluding Sundays and holidays, and by  
 40 posting a copy of such notice at the courthouse door. If there is no such newspaper, then  
 41 notice shall be given by posting a copy at the courthouse door and at two other conspicuous  
 42 places in the county. Such notice of sale shall be in substantially the following form:

43 '(Name of owner, if known, otherwise, "To Whom It May Concern"), you are hereby  
 44 notified that I will offer for sale and sell at public sale to the highest bidder for cash the  
 45 following described livestock (giving full and accurate description of each head of  
 46 livestock) at \_\_\_\_\_M. (the hours of sale to be between 11:00 A.M. and 2:00 P.M.  
 47 eastern standard time or eastern daylight time, whichever is applicable) on the \_\_\_\_ day  
 48 of \_\_\_\_\_ at the following place \_\_\_\_\_ (which place  
 49 shall be where the livestock is impounded or at the place provided by the county  
 50 commissioners for the taking up and keeping of such livestock) to satisfy a claim in the  
 51 sum of \_\_\_\_\_ for fees, expenses for feeding and care, and costs hereof.

52 \_\_\_\_\_  
 53 Date \_\_\_\_\_ Sheriff of  
 54 \_\_\_\_\_ County, Georgia'

55 (c) If livestock impounded pursuant to this chapter consists only of a single swine that is  
 56 of a subspecies or breed not generally intended for food production, the livestock may be  
 57 donated to any animal rescue organization or other charitable organization or, if none is  
 58 available within a reasonable distance, to a willing private individual. The owner of any  
 59 livestock donated pursuant to this subsection may redeem the livestock within ten days of  
 60 the date of donation by paying the organization or individual the actual cost to feed and  
 61 care for the animal not to exceed \$25.00 per day, after which time the organization or  
 62 individual shall be the lawful owner."

63 **SECTION 2.**

64 Said chapter is further amended by revising Code Section 4-3-6, relating to redemption of  
 65 livestock prior to sale, as follows:

66 "4-3-6.

67 The owner of any impounded livestock shall have the right at any time before the donation  
68 or sale thereof to redeem the livestock by paying to the sheriff all impounding expenses,  
69 including fees, keeping charges, and advertising or other costs incurred, which sum shall  
70 be deposited by the sheriff with the clerk of the superior court who shall pay all fees and  
71 costs as allowed in Code Section 4-3-10. In the event there is a dispute as to the amount  
72 of such costs and expenses, the owner may provide bond, with sufficient sureties to be  
73 approved by the sheriff, in an amount to be determined by the sheriff, but not exceeding  
74 the fair cash value of such livestock, conditioned to pay such costs and damages. Within  
75 ten days thereafter the owner shall institute an action to have the dispute adjudicated by the  
76 court or referred to a jury if requested by either party to the action."

77

### SECTION 3.

78 Said chapter is further amended by revising Code Section 4-3-7, relating to disposition of  
79 livestock not sold at auction, as follows:

80 "4-3-7.

81 If there is no bidder for the livestock at the sale provided for in Code Section 4-3-5, the  
82 sheriff shall donate the livestock to any animal rescue organization or other charitable  
83 organization or to a willing private individual, or have the livestock killed and shall dispose  
84 of the carcass thereof; and, if there is any money received by him or her from the disposal,  
85 the same shall be disbursed in the manner provided for in Code Section 4-3-8. If there is  
86 no ready sale for the carcass, the sheriff shall deliver the carcass to a public institution of  
87 the county, state, or municipality within the county or to any private charitable institution,  
88 in this order, according to their needs."

89

### SECTION 4.

90 All laws and parts of laws in conflict with this Act are repealed.