

**DESTRUCTION OF LIVESTOCK**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merrill F. Nelson**

Senate Sponsor: David P. Hinkins

Cosponsors: Gage Froerer Scott D. Sandall  
Melvin R. Brown Douglas V. Sagers  
Scott H. Chew

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Criminal Code regarding destruction of livestock.

**Highlighted Provisions:**

This bill:

► establishes a guideline for a court when ordering a person convicted of wanton destruction of livestock to pay restitution for cattle and sheep that are destroyed.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-111**, as last amended by Laws of Utah 2010, Chapter 193

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-6-111** is amended to read:

**76-6-111. Wanton destruction of livestock -- Penalties -- Restitution criteria -- Seizure and disposition of property.**

28 (1) As used in this section:

29 (a) "Law enforcement officer" [~~is as~~] means the same as that term is defined in Section  
30 53-13-103.

31 (b) "Livestock" means a domestic animal or fur bearer raised or kept for profit,  
32 including:

33 (i) cattle;

34 (ii) sheep;

35 (iii) goats;

36 (iv) swine;

37 (v) horses;

38 (vi) mules;

39 (vii) poultry; and

40 (viii) domesticated elk as defined in Section 4-39-102.

41 (2) Unless authorized by Section 4-25-4, 4-25-5, 4-25-14, 4-39-401, or 18-1-3, a  
42 person is guilty of wanton destruction of livestock if that person:

43 (a) injures, physically alters, releases, or causes the death of livestock; and

44 (b) does so:

45 (i) intentionally or knowingly; and

46 (ii) without the permission of the owner of the livestock.

47 (3) Wanton destruction of livestock is punishable as a:

48 (a) class B misdemeanor if the aggregate value of the livestock is \$500 or less;

49 (b) class A misdemeanor if the aggregate value of the livestock is more than \$500, but  
50 does not exceed \$1,500;

51 (c) third degree felony if the aggregate value of the livestock is more than \$1,500, but  
52 does not exceed \$5,000; and

53 (d) second degree felony if the aggregate value of the livestock is more than \$5,000.

54 (4) When a court orders a person who is convicted of wanton destruction of livestock  
55 to pay restitution under Title 77, Chapter 38a, Crime Victims Restitution Act, the court shall

56 consider, in addition to the restitution criteria in Section 77-38a-302, the restitution guidelines  
57 in Subsection (5) when setting the amount.

58 (5) The minimum restitution value for cattle and sheep is the sum of the following,  
59 unless the court states on the record why it finds the sum to be inappropriate:

60 (a) the fair market value of the animal, using as a guide the market information  
61 obtained from the Department of Agriculture and Food created under Section 4-2-1; and

62 (b) 10 years times the average annual value of offspring, for which average annual  
63 value is determined using data obtained from the National Agricultural Statistics Service within  
64 the United States Department of Agriculture, for the most recent 10-year period available.

65 ~~[(4)]~~ (6) A material, device, or vehicle used in violation of Subsection (2) is subject to  
66 forfeiture under the procedures and substantive protections established in Title 24, ~~[Chapter 1,~~  
67 ~~Utah Uniform Forfeiture Procedures Act]~~ Forfeiture and Disposition of Property Act.

68 ~~[(5)]~~ (7) A peace officer may seize a material, device, or vehicle used in violation of  
69 Subsection (2):

70 (a) upon notice and service of process issued by a court having jurisdiction over the  
71 property; or

72 (b) without notice and service of process if:

73 (i) the seizure is incident to an arrest under:

74 (A) a search warrant; or

75 (B) an inspection under an administrative inspection warrant;

76 (ii) the material, device, or vehicle has been the subject of a prior judgment in favor of  
77 the state in a criminal injunction or forfeiture proceeding under this section; or

78 (iii) the peace officer has probable cause to believe that the property has been used in  
79 violation of Subsection (2).

80 ~~[(6)]~~ (8) (a) A material, device, or vehicle seized under this section is not repleviable  
81 but is in custody of the law enforcement agency making the seizure, subject only to the orders  
82 and decrees of a court or official having jurisdiction.

83 (b) A peace officer who seizes a material, device, or vehicle under this section may:

- 84           (i) place the property under seal;
- 85           (ii) remove the property to a place designated by the warrant under which it was seized;
- 86    or
- 87           (iii) take custody of the property and remove it to an appropriate location for
- 88    disposition in accordance with law.