

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 586:

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 certain nonprofit organizations, individuals, and entities;
4 to provide for notice; to provide for related matters; to repeal conflicting laws; and for other
5 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 sale

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17 or donated to a nonprofit organization, an individual, or an entity deemed by the sheriff to
 18 have the facilities, land, and resources necessary to properly and humanely care for such
 19 livestock. In the event the owner of such livestock is unknown or cannot be found, service
 20 upon the owner shall be obtained by publishing a notice once in a newspaper of general
 21 circulation where the livestock is impounded, Sundays and holidays excluded. If there is
 22 no such newspaper, then service shall be obtained by posting the notice at the courthouse
 23 door and at two other conspicuous places within said county. Such notice shall be in
 24 substantially the following form:

25 'To Whom It May Concern:

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

32 _____
 33 Date _____ Sheriff of
 34 _____ County, Georgia'

35 (b) Unless the impounded livestock is redeemed within three days from the date of the
 36 notice, or donated to a nonprofit organization, an individual, or an entity deemed by the
 37 sheriff to have the facilities, land, and resources necessary to properly and humanely care
 38 for such livestock, the sheriff shall forthwith give notice of sale thereof, which shall be held
 39 not less than five days nor more than ten days, excluding Sundays and holidays, from the
 40 first publication of the notice of sale. The notice of sale shall be published in a newspaper
 41 of general circulation in the county where the livestock is impounded, excluding Sundays
 42 and holidays, and by posting a copy of such notice at the courthouse door. If there is no

43 such newspaper, then notice shall be given by posting a copy at the courthouse door and
 44 at two other conspicuous places in the county. Such notice of sale shall be in substantially
 45 the following form:

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

55 _____
 56 Date _____ Sheriff of
 57 _____ County, Georgia"

58 **SECTION 2.**

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

61 "4-3-6.

62 The owner of any impounded livestock shall have the right at any time before the donation
 63 or sale thereof to redeem the livestock by paying to the sheriff all impounding expenses,
 64 including fees, keeping charges, and advertising or other costs incurred, which sum shall
 65 be deposited by the sheriff with the clerk of the superior court who shall pay all fees and
 66 costs as allowed in Code Section 4-3-10. In the event there is a dispute as to the amount
 67 of such costs and expenses, the owner may provide bond, with sufficient sureties to be

68 approved by the sheriff, in an amount to be determined by the sheriff, but not exceeding
69 the fair cash value of such livestock, conditioned to pay such costs and damages. Within
70 ten days thereafter, the owner shall institute an action to have the dispute adjudicated by
71 the court or referred to a jury if requested by either party to the action."

72 **SECTION 3.**

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

75 "4-3-7.

76 If there is no bidder for the livestock at the sale provided for in Code Section 4-3-5, the
77 sheriff shall donate the livestock to a nonprofit organization, an individual, or an entity
78 deemed by the sheriff to have the facilities, land, and resources necessary to properly and
79 humanely care for such livestock or have the livestock killed and shall dispose of the
80 carcass thereof; and, if there is any money received by him or her from the disposal, the
81 same shall be disbursed in the manner provided for in Code Section 4-3-8. If there is no
82 ready sale for the carcass, the sheriff shall deliver the carcass to a public institution of the
83 county, state, or municipality within the county or to any private charitable institution, in
84 this order, according to their needs."

85 **SECTION 4.**

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