

4-25-5 Report of estrays -- Possession -- Relief from liability.

- (1) As used in this section, "division" means the Division of Wildlife Resources.
- (2) A person, other than an official of the county or of an animal control office under contract with the county, who finds an estray shall report it to the county or animal control office immediately.
- (3) Upon receipt of notification under Subsection (2), the county or the animal control office shall:
 - (a) take possession of the estray; or
 - (b) if appropriate, authorize the person in possession of the estray to maintain and care for it pending determination and location of the estray's owner.
- (4) A person who gives notice of an estray and delivers it to the county or animal control office is not liable to third parties on account of the estray to the extent of the value of the animal.
- (5)
 - (a) If an employee of the division, acting in the employee's official capacity, finds an estray, the employee shall:
 - (i) comply with the requirements of Subsection (2); and
 - (ii) make a reasonable attempt to contact the estray's owner.
 - (b) The county or animal control office receiving a report of an estray from an employee of the division shall:
 - (i) take possession of the estray; or
 - (ii) authorize the division in writing or through electronic means to take possession of the estray.
 - (c) If the county or animal control office does not comply with Subsection (5)(b) within 72 hours from the time the division reports an estray, the division may take possession of the estray.
 - (d) If the division takes possession of the estray, the division shall:
 - (i) make a reasonable attempt to return the estray to the estray's owner; or
 - (ii) if unable to return the estray to the estray's owner, deliver the estray to the county or animal control office.
 - (e) If the division is unable to take possession of the estray after a reasonable attempt, the division may cause the death of the estray if the division determines that the estray presents a material threat to wildlife by:
 - (i) predation;
 - (ii) pathogen transmission; or
 - (iii) genetic introgression.
 - (f) If the division causes the death of an estray under Subsection (5)(e), the division shall:
 - (i) compensate the owner of the estray at full market value of the estray; or
 - (ii) if the owner of the estray cannot be determined, deposit an amount equal to the full market value of the estray into the Agricultural and Wildlife Damage Prevention Account created in Section 4-23-7.5.
- (6) Notwithstanding the requirements of Subsection (5), the division may immediately take possession of an estray or cause an estray to move away from wildlife if the estray presents an imminent material threat to wildlife by:
 - (a) predation;
 - (b) pathogen transmission; or
 - (c) genetic introgression.

Amended by Chapter 282, 2009 General Session