

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

277 (3) For purposes of this section, a livestock guardian dog is presumed to belong to an
 278 owner of the livestock with which the livestock guardian dog was living at the time of an
 279 alleged violation of Subsection (2).

280 [~~(3)~~] (4) Wanton destruction of livestock is punishable as a:

281 (a) class B misdemeanor if the aggregate value of the livestock is [~~\$500~~] \$250 or less;

282 (b) class A misdemeanor if the aggregate value of the livestock is more than [~~\$500~~]
 283 \$250, but does not exceed [~~\$1,500~~] \$750;

284 (c) third degree felony if the aggregate value of the livestock is more than [~~\$1,500~~]
 285 \$750, but does not exceed ~~\$~~→ [†] ←~~\$~~ 5,000 ~~\$~~→ [†~~\$1,500~~] ←~~\$~~ ; and

286 (d) second degree felony if the aggregate value of the livestock is more than ~~\$~~→ [†] ←~~\$~~
 286a \$5,000 ~~\$~~→ [†

287 ~~\$1,500~~] ←~~\$~~ .

288 [~~(4)~~] (5) When a court orders a person who is convicted of wanton destruction of
 289 livestock to pay restitution under Title 77, Chapter 38a, Crime Victims Restitution Act, the
 290 court shall consider, in addition to the restitution criteria in Section 77-38a-302, the restitution
 291 guidelines in Subsection [~~(5)~~] (6) when setting the amount.

292 [~~(5)~~] (6) The minimum restitution value for cattle and sheep is the sum of the
 293 following, unless the court states on the record why it finds the sum to be inappropriate:

294 (a) the fair market value of the animal, using as a guide the market information
 295 obtained from the Department of Agriculture and Food created under Section 4-2-102; and

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

299 [~~(6)~~] (7) A material, device, or vehicle used in violation of Subsection (2) is subject to
 300 forfeiture under the procedures and substantive protections established in Title 24, Forfeiture
 301 and Disposition of Property Act.

302 [~~(7)~~] (8) A peace officer may seize a material, device, or vehicle used in violation of
 303 Subsection (2):

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

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