



SPONSOR: Rep. Carson & Sen. Ennis

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 231

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO LIVESTOCK AT LARGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend § 7701, Title 3 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 7701. Permitting livestock to run at large; civil penalty.

4           (a) It is unlawful to allow livestock to run at large; on the public highways; or on unenclosed lands within the  
5     State.

6           (b) The Secretary of Agriculture may impose a civil penalty of not less than \$50 or more than ~~\$400~~ \$500 for each  
7     offense on any person owning livestock found to have run at large, on the public highways, or on unenclosed land within  
8     the State. For each subsequent offense occurring within 12 months of a prior offense, the person is subject to a civil penalty  
9     not less than ~~\$400~~ \$500 or more than ~~\$200~~ \$1000 for each offense. The minimum civil penalty for a subsequent offense  
10    may not be subject to suspension.

11          (c) No civil penalty shall be assessed unless the person charged has been given notice and opportunity for a  
12    hearing on each charge under Chapter 101 of Title 29.

13          (d) All civil penalties collected under this chapter must be remitted to the Department or other assigned agency.

14          (e) An administrative order that has become final imposing any civil penalties from the Department under this  
15    chapter shall be enforceable as a judgment and the Department may collect on such order as a judgment in the Office of the  
16    Prothonotary or other appropriate court. Any finding of fact or conclusion of law made by the Department in an  
17    administrative order that has become final shall be conclusive on all parties to an action under this chapter and not subject  
18    to judicial review. For purposes of this section, a finding or conclusion is final if it has been fully determined on appeal to  
19    the appropriate court or if the time for filing such appeal with respect to the finding or conclusion has expired.

SYNOPSIS

This Act authorizes the Department of Agriculture to impose civil penalties consistent with the amounts imposed in other states when livestock have been found to have run at large on the public highways or on unenclosed land within the State. This Act adds a provision as exists in the Delaware False Claims Act, 6 Del. C §1204(f), allowing for the enforcement as judgments of administrative orders that are final and no longer subject to judicial review. Lastly, the Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.