



SPONSOR: Rep. Carson & Sen. Ennis

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 231
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

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

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

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

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

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

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

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