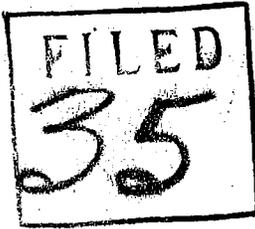


ANIMALS:  
RUNNING AT LARGE:



Criminal prosecution will lie against the owner of horses, mules, asses, cattle, hogs, sheep and goats when the owner knowingly and purposely refuses to restrain such animals from running at large and when for any reason such animals' infirmity would render valueless the law providing for the sale thereof in such townships as have voted to have the stock law applied to the above enumerated animals.

September 13, 1956

Honorable Percy W. Gullic  
Prosecuting Attorney  
Oregon County  
Alton, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"Will you please advise whether or not criminal prosecution will lie under the terms of the statutes of the State of Missouri, pertaining to the restraint of animals running at large, the provisions of which chapter have been adopted by legal vote of the people of certain sections of our county."

On August 23 you also wrote to us as follows:

"Probably I didn't make myself clear in my original letter on this matter, so will attempt to clarify my request without going into voluminous detail, to-wit:

"The greater portion of our county has adopted the provisions of the Missouri Statutes relating to the restraint of, horses, mules, asses, cattle, hogs, sheep and goats from running at large in that portion adopting said provisions, my request is for an opinion as to whether criminal prosecution will lie under the terms of the Statutes, where a resident of the adopting section of the county willfully permits such animals belonging to him to run at large within that portion of the

Honorable Percy W. Gullie

county wherein the provisions of the stock law are applicable."

In the beginning we would point out that, of course, the provisions of the stock law would be enforceable only in those townships in your county which have voted to have the stock law and only as to those animals which had been voted upon. These, in your case, are horses, mules, asses, cattle, hogs, sheep and goats.

Your question is whether or not criminal prosecution will lie for a violation of the stock law. The only section in the stock law (Chapter 270, RSMo 1949) which provides for criminal prosecution of the owner of stock is Section 270.200, which reads as follows:

"In all counties and townships that have adopted or may hereafter adopt the provisions of this chapter, every owner or other person having the legal care of any domestic animal of the species enumerated in Section 270.010, who shall knowingly and purposely refuse to restrain the same from running at large, when its age, deformity, blindness or other infirmity would render nugatory the law providing for the sale thereof to pay costs and damages to any party who might take up said animal, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than twenty dollars, or by imprisonment in the county jail for a term not exceeding ten days."

#### CONCLUSION

It is the opinion of this department that criminal prosecution will lie against the owner of horses, mules,

Honorable Percy W. Gullie

asses, cattle, hogs, sheep and goats when the owner knowingly and purposely refuses to restrain such animals from running at large and when for any reason such animals' infirmity would render valueless the law providing for the sale thereof in such townships as have voted to have the stock law applied to the above enumerated animals.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton  
Attorney General

HPW:lc