

MISSISSIPPI BRAND LAWS

MISSISSIPPI CODE

TITLE 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

CHAPTER 29. LIVESTOCK BRANDS, THEFT OR LOSS OF LIVESTOCK AND PROTECTIVE ASSOCIATIONS

ARTICLE 1. GENERAL PROVISIONS

§ 69-29-1. Mississippi Agricultural and Livestock Theft Bureau established; director; employment of investigators; powers, duties and authority of director; vehicles, equipment and supplies; cooperation and assistance of other agencies.

(1)

(a) There is established the Mississippi Agricultural and Livestock Theft Bureau.

(b) The Commissioner of Agriculture and Commerce shall appoint a director of the Mississippi Agricultural and Livestock Theft Bureau. Such director shall have at least five years of law enforcement experience. Such director shall be responsible solely to the supervision of the Commissioner of Agriculture and to no other person or entity. Such director may be discharged only for just cause shown.

(c) The director may employ nine (9) agricultural and livestock theft investigators, one (1) from each highway patrol district, and each investigator is required to reside within the highway patrol district from which he or she is selected. Each investigator shall be certified as a law enforcement officer, successfully completing at least a nine-week training course, in accordance with Section 45-6-11. The curriculum for the training of constables shall not be sufficient for meeting the certification requirements of this paragraph. In the selection of investigators under this section, preference shall be given to persons who have previous law enforcement experience.

(d) The director appointed under this section, under the direction, control and supervision of the commissioner, and the investigators employed under this section shall perform only the duties described in subsection (2) of this section and shall not be assigned any other duties.

(2) The director appointed under this section and the investigators employed under this section shall have the following powers, duties and authority:

(a) To enforce all of the provisions of Sections 69-29-9 and 69-29-11, and particularly those portions requiring persons transporting livestock to have a bill of sale in their possession; to make investigations of violations of such sections and to arrest persons violating same;

(b) To enforce all of the laws of this state enacted for the purpose of preventing the theft of livestock, poultry and agricultural and aquacultural products and implements; to make investigations of violations thereof and to arrest persons violating same;

(c) To cooperate with all regularly constituted law enforcement officers relative to the matters herein set forth;

(d) To serve warrants and other process emanating from any court of lawful jurisdiction, including search warrants, in all matters herein set forth;

- (e) To carry proper credentials evidencing their authority, which shall be exhibited to any person making demand therefor;
 - (f) To make arrests without warrant in all matters herein set forth in cases where same is authorized under the constitutional and general laws of this state;
 - (g) To handle the registration of brands of cattle and livestock;
 - (h) To investigate, prevent, apprehend and arrest those persons anywhere in the state who are violating any of the laws administered by the Department of Agriculture and Commerce including, but not limited to, all agriculture- related crimes.
- (3) The Commissioner of Agriculture and Commerce shall furnish such investigators with such vehicles, equipment and supplies as may be necessary. All expenses of same, and all other expenses incurred in the administration of this section, shall be paid from such appropriation as may be made by the Legislature.
- (4) The State Tax Commission and its agents and employees shall cooperate with such investigators by furnishing to them information as to any possible or suspected violations of any of the laws mentioned herein, including specifically Section 69-29-27, and in any other lawful manner.
- (5) The conservation officers of the Commission on Wildlife, Fisheries and Parks are authorized to cooperate with and assist the agricultural and livestock theft investigators in the enforcement and apprehension of violators of laws regarding agricultural and livestock theft.

§ 69-29-2. License requirement of persons who transfer or sell certain animals for research.

- (1) Every person, firm, association or corporation, before seeking to sell or transfer dogs or cats, or both, for research, shall obtain a license from the Director of the Mississippi Agricultural and Livestock Theft Bureau. The fee and requirements for such license shall be set by the Director of the Mississippi Agricultural and Livestock Theft Bureau. Application for such license shall be made on forms prescribed and furnished by the director. Such license shall be nontransferable, renewable annually. A new license shall be issued if there is any change in the location or ownership of the business.
- (2) At the time application is made for a license under subsection (1) of this section and before the issuance of such license by the Director of the Mississippi Agricultural and Livestock Theft Bureau, the applicant shall file with the director a bond in the penal sum of Five Thousand Dollars (\$5,000.00) payable to the State of Mississippi with surety to be approved by the Secretary of State for the faithful performance of the requirements of this section. Evidence shall be supplied to the director annually, at the time license is renewed, that the bond continues in force and effect. In the event the bond is cancelled or will not be renewed, the bonding company shall notify the director in writing at least thirty (30) days before the cancellation of such bond. If a bond is cancelled or fails to be renewed, the license issued under this section shall stand void automatically. The license shall not stand void if a new bond as required herein is filed with the director before the expiration date of the original bond.
- (3) The following information shall be recorded by every person, firm, association or corporation licensed under this section for each dog or cat received, sold or transferred under the provisions of this section:
- (a) The name, address and telephone number of the person, firm, association or corporation from whom each dog or cat was received and to whom each dog or cat was delivered.
 - (b) A complete description of each dog or cat received, sold or transferred, including a photograph of each side of the animal.
 - (c) Any other information as required by the Director of the Mississippi Agricultural and Livestock Theft Bureau.

(4) The Director of the Mississippi Agricultural and Livestock Theft Bureau shall promulgate rules and regulations necessary to effectuate the provisions of this section.

(5) Any person violating the provisions of this section, upon conviction for a first violation, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both. Any person violating the provisions of this section, upon conviction for a second or subsequent violation, shall be punished by imprisonment in the Penitentiary for not less than one (1) year or a fine of not less than One Thousand Dollars (\$1,000.00), or by both. Any person who holds a license issued under this section who is convicted of any violation of this section, shall have his license revoked for a minimum of one (1) year.

§ 69-29-3. Prohibition as to marking or branding of animals with intent to deprive owner of property.

If any person, knowingly, shall mark or brand any animal, the property of another, with a mark or brand calculated or intended to designate ownership not that of the owner, without the consent of the owner, or without authority of law, and with intent to deprive the owner of his property, he shall, on conviction thereof, be imprisoned, in the penitentiary not more than three years, or be fined in a sum not more than five hundred dollars, or imprisoned in the county jail for a period not longer than one year, or both.

§ 69-29-5. Prohibition as to altering or defacing of brands or marks without owner's consent.

If any person shall knowingly alter or deface the brand or mark of any animal, intended to designate ownership, the property of another, without his consent, and with intent to deprive the owner of his property, he shall, on conviction, suffer the penalty provided in section 69-29-3.

§ 69-29-7. Butchers and dealers to keep register of brands and marks; penalty for violation.

Every butcher or dealer in cattle, sheep, or hogs, who shall fail to enter in a book or register the names of all persons for whom he buys, and a description by marks, brands, and otherwise of all animals bought or kept by him for slaughter, or to allow an inspection of such entries at any time, by any person interested to make it, shall, on conviction, be imprisoned in the county jail not exceeding six months, or be fined one hundred dollars, or both.

§ 69-29-9. Branding, misbranding or mismarking cattle or swine with intent to defraud; penalty.

Any person who shall, with intent to defraud, brand or mis-brand, mark or mismark any neat cattle or swine not his own; or any person who shall intentionally brand over a previous brand or in any manner alter, deface or obliterate a previous brand or earmark, or shall cut out and obliterate a previous brand or earmark on any neat cattle or swine, shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state penitentiary not less than six months nor more than one year.

§ 69-29-11. Regulations as to transportation of livestock; penalty for violation.

For any person to haul, transport or carry any livestock upon and over the public highways, roads and streets of this state by means of a motor vehicle or other vehicle drawn or propelled by a motor vehicle, such person shall have in his possession a bill of sale showing: (i) from whom such livestock was purchased; (ii) description of such livestock, with

brands or earmarks, if any; (iii) signature and address of the seller; and (iv) the date of sale and delivery.

Any sheriff, constable, agricultural and livestock theft investigator or police officer shall have the power to inspect any livestock in the process of transportation upon the highways of Mississippi.

Any person who shall violate any provisions of this section, or Section 69- 29-9, shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months. Any person convicted of stealing livestock is subject to the penalties provided in Section 97-17-53.

§ 69-29-13. Mortgaged cattle; notice of loss of same.

The owner of any cattle or stock which shall be mortgaged shall, within thirty days, give notice to the mortgagee of the death, theft or estray of any animal included in the lien created by said mortgage, if the mortgagor has knowledge of the death, theft or estray, and any owner who shall fail to give such notice shall be guilty of a misdemeanor and shall upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than sixty (60) days, or both.

§ 69-29-15. Unlawful removal of any collar, tag, or marking device on an animal without permission of owner; penalties.

It shall be unlawful for a person to remove any collar, tag or marking device on any animal not owned by such person and without the permission of the owner of the animal. Any person violating the provisions of this section, upon conviction for a first violation, shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both. Any person violating the provisions of this section, upon conviction for a second or subsequent violation, shall be punished by imprisonment in the Penitentiary for not less than one (1) year or a fine of not less than One Thousand Dollars (\$1,000.00), or by both.

ARTICLE 3. REGISTRATION AND OWNERSHIP OF LIVESTOCK BRANDS

§ 69-29-101. Purpose of article.

The purpose of this article is to provide a place for registration of brands or marks of cattle and other livestock in an appropriate bureau, which may be called the Mississippi Agricultural and Livestock Theft Bureau, in the Department of Agriculture and Commerce under the Commissioner of Agriculture and Commerce of the State of Mississippi, in order to avoid confusion as to brands or marks of cattle and other livestock, and to protect the owners against theft, and to aid the agricultural and livestock theft investigators in the Department of Agriculture and Commerce in tracing such cattle and other livestock when stolen, apprehending such thieves and returning the cattle and other livestock to the owner thereof.

§ 69-29-103. Definitions.

The following words, or similar words, when used in this article shall have the following meaning unless the context

clearly indicates otherwise:

- (a) "Commissioner" means the Commissioner of Agriculture and Commerce of the State of Mississippi, under whose supervision this article is placed.
- (b) "Bureau" means the Mississippi Agricultural and Livestock Theft Bureau, or its successor, in the Department of Agriculture and Commerce, under the administration of the Commissioner of Agriculture and Commerce for the apprehending of cattle and other livestock thieves.
- (c) "Brand" means any recorded identification mark applied to any position on the hide of a live animal by means of heat, acid or chemical.
- (d) "Person" means any individual, partnership, association or corporation.
- (e) "Livestock" means horses, cattle, swine, sheep, poultry and other domestic or exotic animals, birds or fish produced for profit.
- (f) "Livestock market" means any place at which a person assembles livestock either for public or private sale by him, such services to be compensated for by the owner on a commission basis or otherwise, or where such person purchases livestock for resale, except:
 - (i) Any place other than at a permanently established livestock market used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale;
 - (ii) Any farm, ranch, or place where livestock either raised or kept thereon for the grazing season or for fattening is sold, and no other livestock is brought there for sale or offered for sale;
 - (iii) The premises of any person engaged in the raising of livestock for breeding purposes only, who limits his or its sale to animals of his or its own production;
 - (iv) Any place where a breeder or an association of breeders of livestock of any class assemble and offer for sale and sell under his or their own management any livestock, when such breeder or association of breeders shall assume all responsibility of such sale and the title of livestock sold.
- (g) "Mark" means a distinct marking or device placed on a live animal sufficient to distinguish the animal readily if it becomes intermixed with other animals, and includes a tattoo.

§ 69-29-105. Registration and ownership of brands; transfer of registration and ownership; penalties for violation.

(1) Any cattle or other livestock owner, who uses or desires to use and adopt a brand or mark to identify his livestock must register his brand or mark by making application for such registration to the Department of Agriculture and Commerce. Not only all livestock owners who have their cattle branded before this law goes into effect must apply for registration, but also those persons who desire to brand or mark their livestock for the first time must apply for registration, and submit their proposed brand or mark to the department for clearing before it is applied. The application shall be made on forms prescribed and furnished by the department, which application shall be accompanied by a fee of Five Dollars (\$5.00) and a facsimile of the brand or mark or proposed brand or mark to be registered shall also be furnished by the applicant. All fees collected hereunder for registration, transfer, or reregistration of brands or marks shall be deposited in the State Treasury. If the brand or mark described in the application has not previously been registered by another cattle owner, or does not closely resemble a registered brand or mark, the department shall approve the application, register the brand or mark in the name of the applicant, and issue to the applicant a certificate of registration. In case of duplication of brands or marks as shown by applications,

the owner of the brand or mark who first records with the department will be recognized. When a livestock owner, who has registered a brand or mark with the department, transfers such brand or mark to another person, he shall immediately notify the department of the transfer, giving the date of transfer, and the name and address of the transferee. Upon receipt of the notice and a transfer fee of Two Dollars (\$2.00), the department shall cause such transfer to be noted in the register of brands and marks, and such brand or mark shall not be used by the new owner until permission has been given by the department for the use of such brand or mark.

(2) No two (2) or more brands or marks of the same design or figure, and no two (2) or more earmarks of the same kind shall be adopted, designed and recorded, and when a brand, mark or earmark shall have been designed, adopted and recorded, the person so adopting and recording same shall be entitled to the exclusive use thereof, and it shall be his exclusive property, but the right to the use of such brand or mark may be sold and transferred by an instrument in writing, signed, acknowledged and recorded in the chancery clerk's office of the county where the brand, mark or earmark is recorded. When the right to the use of a brand, mark or earmark has been sold and transferred and recorded as herein provided, the chancery clerk shall note on the "brand, mark and earmark book" that such brand, mark or earmark has been sold and transferred, giving the book and page where such transfer is recorded.

(3) Any person who shall violate any of the provisions of subsection (2) of this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months. Any person convicted of stealing livestock is subject to the penalties provided in Section 97-17-53.

§ 69-29-107. Copy of certificate of registration as evidence.

In all suits at law or in equity, or in any criminal proceedings when the title or right of possession is involved, a copy of the certificate of brand or mark registration verified by affidavit of the department shall be received in evidence by the court as evidence of the registration of such brand or mark in accordance with the requirements of this article.

§ 69-29-109. Re-registration and renewal of brands.

All brands or marks of cattle and other livestock, upon being registered with the department shall be reregistered once every five (5) years thereafter. Those brands or marks which have been filed and recorded in the Office of the Secretary of State after January 1, 1946, give the owner priority to the use of such brand or mark, and in event of duplication, the brand or mark first filed with the Secretary of State shall have priority over any same or similar brand or mark filed with the Secretary of State thereafter.

After the effective date of this article it shall be necessary for all such owners of brands or marks who have filed and recorded brands or marks in the Office of the Secretary of State after January 1, 1946, to reregister any and all such brands or marks with the department, and pay the necessary registration fee. Brands or marks recorded in the Office of the Secretary of State before January 1, 1946, are not recognized for the purpose of priority, because of the confused state of the records. After the registration of such brands or marks with the department, they must be reregistered not later than five (5) years thereafter, or ownership thereto will be lost.

All brands or marks registered after the effective date of this article shall be reregistered on or before five (5) years after the date of registration. Upon the transfer of any such brand or mark, notice of such transfer shall be furnished the department by the transferor, and the department shall keep a record of all such transfers.

At least ninety (90) days before the renewal date for all brands or marks, the department shall notify all persons having brands or marks registered of the date on which such brand or mark must be renewed. On or before the renewal date of all brands or marks the registered owner thereof shall pay to the department a renewal fee of Five Dollars (\$5.00) and shall furnish such additional information as the department may require on forms to be furnished by the

department. If any cattle owner fails to renew any brand or mark registered in his name, such brand or mark shall be forfeited and shall be available to any other applicant.

§ 69-29-111. Forms; register of brands.

The Department of Agriculture and Commerce shall prescribe and furnish forms on which applications for registration, reregistration and transfer of brands or marks shall be made and shall furnish such forms to the sheriff and the county agricultural agent of each county of the state to be distributed on request to livestock owners desiring to make application for registration of brands or marks and such applications may also be furnished to applicants by the department. The department shall maintain a complete register of all brands or marks, showing the name and address of the owner, and shall annually publish and distribute copies of this register and supplementary copies thereof to every livestock market and sheriff's office and chancery clerk in the state. Copies of the register of brands and marks may be furnished to other persons requesting such copies, at a price to be determined by the department. Copies of the register of brands and marks shall be published in booklet form. The department shall also determine from its records of registration the ownership of any estrayed cattle and furnish such information to interested persons, upon receipt of notice giving details of the kind of animal, color, weight, size, sex, age, marks, brands and other identifying information.

§ 69-29-113. Livestock market operators and hide dealers to keep records.

(1) Every operator of a livestock market where livestock is sold shall keep a copy of the register of brands and marks in his place of business where it will be easily accessible for public inspection.

(2) The operator of every livestock market where livestock is sold, together with all dealers, slaughterers and butchers who buy livestock for slaughter which was not purchased at a livestock market, shall keep a record covering all livestock received, including:

- (a) The name and address of the owner of the livestock;
- (b) The license tag number of the vehicle delivering the livestock;
- (c) The name and address of the driver of the vehicle delivering the livestock and his motor vehicle operator's license number or Social Security number, preferably both;
- (d) The number of livestock received; and
- (e) A description of livestock including color.

These records shall be kept for public inspection for a period of two (2) years after the livestock is received.

(3) Livestock hide dealers are required to keep a record of all hides of livestock received by them, including:

- (a) The name and address of the owner of the hides;
- (b) The vehicle tag number of the vehicle delivering the hides;
- (c) The name and address of the driver of the vehicle and his motor vehicle operator's license number or Social Security number, preferably both; and
- (d) A description of the hides, including any brands or marks.

Livestock hide dealers shall keep such records for a period of two (2) years from the time of purchase.

(4) Any livestock market operator, dealer, slaughterer, butcher or livestock hide dealer who fails to keep these records and make them available to authorized inspectors or officers of the law shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

§ 69-29-115. Rules and regulations.

The Department of Agriculture and Commerce shall have authority to promulgate such rules and regulations as are reasonably necessary to carry out the intent and purpose of this article and that shall facilitate the tracing and identification of livestock and afford protection against stealing and unlawful dealing in livestock.

Any driver moving livestock from any advertised sale shall have a bill of sale or other written evidence of purchase for the livestock in his possession, to be shown on request of any duly authorized law enforcement officer and to be delivered to the purchaser with delivery of the livestock.

§ 69-29-117. Unlawful acts.

It shall be unlawful for:

- (a) Any person to use any brand or mark for branding cattle or other livestock unless the brand or mark is registered with the Department of Agriculture and Commerce;
- (b) Any person to obliterate, alter or deface the brand or mark of any animals;
- (c) Any livestock market to receive and sell livestock unless records of such sale are kept in accordance with the requirements of this article;
- (d) Any livestock market to fail to keep a copy of the register of brands and marks furnished to them by the department in a place easily accessible to interested parties;
- (e) Any livestock hide dealer to fail or refuse to keep records required by subsection (c) of Section 69-29-113.

§ 69-29-119. Minor owner may have separate brands.

Minors owning cattle or stock separate from that of the father or guardian may have a brand and mark, which shall be recorded; the father or guardian shall be responsible for the proper use of such brand and mark of any such minor.

§ 69-29-121. Penalty for violations.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or by imprisonment for a term of not more than six months, or both, in the discretion of the court.

ARTICLE 5. PROTECTIVE ASSOCIATIONS

§ 69-29-201. Purposes, organization, powers and duties.

For the purpose of encouraging the production of more and better livestock and poultry in this state, and for the purpose of preventing theft of livestock and poultry by posting cash rewards for the arrest and conviction of livestock and poultry thieves, and requesting the governor to aid by posting rewards and employing detectives for this purpose, all owners of livestock and poultry and land owners in any county are hereby authorized and encouraged to organize a county livestock and poultry owners protective association, hereinafter referred to as the association. All persons owning land in the county and all persons owning any livestock or poultry in the county are eligible to membership in the association. They shall organize by meeting at the county courthouse, by electing a president of the association and a secretary, and a treasurer, who shall each agree to serve for one year, without pay, when their successors shall be elected. There shall be a board of directors, not to exceed three members from each beat in the county, elected at the same time and in the same manner as the other officers. No legal charter of incorporation shall be necessary. Each county association shall have authority to make and publish its own by-laws and fix the amount of annual dues. The association, being purely voluntary, may disband or continue to function, as the members shall determine. Any association already organized in any county shall be deemed to be lawfully organized for the purpose of this article.

§ 69-29-203. Assistance to sheriff in apprehending thieves; reward.

When the theft of any livestock or poultry shall be reported to the sheriff of the county where the theft occurred, it shall be the duty of the sheriff to make prompt and diligent effort to arrest the thief or thieves. At the same time, it shall be the duty of the president of the association to assist the sheriff in the capture of the thief or thieves by posting or publishing the standing reward offered by the association for information leading to arrest and conviction of the said thief or thieves, but in case of a theft of poultry no such reward shall be offered by the association where the value of the poultry stolen would amount to a misdemeanor only. When additional assistance may be needed to bring those guilty of the theft of any livestock or poultry to justice, the president of the association, or in his absence or disability, three or more directors of the association may, in their discretion, notify the governor and request his assistance. When the governor shall receive such request it shall then be his duty to offer such reward as he may deem proper for arrest and conviction of the said thief or thieves, or for information leading to the arrest and conviction, but such reward shall not exceed fifty dollars (\$50.00) in any particular case. In case it is impossible to break up livestock and poultry thefts without employment of detectives, then the governor may, in his discretion, employ a reliable detective to assist the sheriff and the association in any county. The reward to be offered by the governor and the expense of detectives shall be paid out of the governor's contingent fund.

§ 69-29-205. Reports.

It shall be the duty of the secretary of each county association to file annually with the governor a report, countersigned by the president and treasurer of the association, showing the names of all officers and directors, the number of members, the amount of dues collected, the amount paid by the association in rewards, the number of arrests and convictions, the number of thefts of livestock and poultry, and the number stolen and recovered. It shall be the duty of the governor to report to the legislature in detail his expenditures from contingent fund, in an itemized statement, and he shall have on file in his office for the information of members of the legislature the information furnished by the various county associations.

Amended in 1998.

Reviewed by AAHS in July 2001.

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