

## Cattle Straying on Your Land? Call the Sheriff

By Ellen H. Brisendine



**W**hether your cattle are on land you own or land you lease, at some point a fence might fail or a gate may be left open and the cattle might wander out. When they get onto someone else's property, they are become estrays.

The Texas Agriculture Code, Title 6, Subtitle B, Chapter 142 provides details of how stray cattle are to be handled.

### It starts with a call to the sheriff

If cattle stray onto your land, you might think to call your Texas and Southwestern Cattle Raisers Association (TSCRA) special ranger for help. That's a logical thought, but the law states in Section 142.003, "the owner of the private property or the custodian of the public property, as applicable, shall as soon as reasonably possible, report the presence of the estray to the sheriff of the county in which the estray is discovered."

Larry Gray, TSCRA executive director of law enforcement, says, "Always call the sheriff's office first, then call your special ranger, or me. We have excellent working relationships with the sheriffs' offices in Texas and are often called on to provide assistance in identifying the ownership of the estrays. But the sheriff's office needs to know what's going on in the county."

### Time lines

Chapter 142 sets the time lines to be followed in estray cases. These limits have been set to minimize damage to property on which the cattle are grazing, and to minimize losses to the value of the cattle.

#### 5 days

If cattle stray onto your land, you must report this to the sheriff's office within 5 days of finding the estray livestock to be eligible for reasonable payment for maintenance of or damages caused by the estrays, according to Section 142.006.

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**An old fence may have charm, but it doesn't help keep cattle from straying. If cattle stray onto your land, call your sheriff first.**

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In response to your report, the sheriff's office impounds the livestock and begins searching for the owner.

Gray says some of Texas' rural counties have a full-time livestock animal control deputy and holding facilities for impounded livestock. Local labor can be hired to round up and transport the livestock to the facility. The fees charged by the workers for gathering and transporting estrays are added to the impound fee, which is spelled out in Section 142.005. It says, the "sheriff or the sheriff's designee may require the owner of the estray to pay before the estray is removed a collection fee in an amount set by the sheriff not to exceed \$25."

#### 15 to 18 days

If after a diligent search the owner of the estray livestock remains unknown, then the sheriff is directed by law to post a notice of the impoundment on the public notice board of the courthouse. Chapter 142 also directs the sheriff or sheriff's designee to advertise the estray in the local newspaper at least twice during a 15-day period after the cattle have been impounded.

Three days after the last advertisement appears the animal may be sold if the owner is still not known.

The sheriff or sheriff's designee causes the animal to be sold and the sheriff takes possession of the proceeds of the sale, pays all claims and fees reasonably owed against the animal, including any compensation due the landowner on whose land the animal originally strayed. Then the sheriff remits any remaining proceeds to the county and they are deposited in the jury fund.

The owner of the estray has 180 days from the time of sale to claim the remaining funds from the county.

TSCRA special rangers are charged with investigating criminal cases involving theft of livestock or ranch-related items. As a result of their work, the 30 special rangers have investigated more than 600 cases in 2012, recovering stolen goods or restitution for the victims. ■