

# Livestock Branding & Theft Investigation

Presented by Hickory County  
Sheriff Greg Burke

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## Sheriff Greg Burke




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## Biography

Sheriff Burke grew up farming and taking care of cattle in Missouri. In 1984, he married his wife Stephanie. They moved to Hawaii, where he served 4 years in the United States Navy. He was honorably discharged and obtained the rank of E5, Second Class Petty Officer. He then spent time riding pens at a feed yard in Kansas and ranching in Texas.

Sheriff Burke was hired by the Kansas Animal Health Department as a Livestock Inspector. After a few years he was appointed Special Investigator for the Brand Division. This is where he spent his time assisting local sheriffs offices with investigations of livestock and agriculture related thefts. Sheriff Burke covered 54 counties in Western Kansas.

After returning to Missouri he started raising his own cattle. He was the Assistant Chief and Detective for a Police Department. Later he started working as a Deputy for the Hickory County Sheriff Office, where he was appointed Investigator. While working at the Sheriff's Office, Sheriff Burke managed an 800 cow/calf ranch and started writing and playing Cowboy music and poems. Sheriff Burke was elected in 2020 and took office in 2021. During all this time, Sheriff Burke has stayed connected to the Livestock Industry.

With a lifetime in the Livestock industry and over 20 years in Law Enforcement, Sheriff Burke brings a unique understanding to both areas. This is why he is offering this training to Producers on theft prevention and training to Law Enforcement Officers on investigation of livestock theft. Livestock is one of the largest industries in most counties and one of the most overlooked areas in Law Enforcement.

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## Topics

- Missouri Brand Book - Registering Your Brand
- RFID Bang Tags
- Identifying Bang Tags
- Trailer VIN Identification
- Missouri Revised Statutes – Chapter 268




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## Branding History

- Branding is one of the oldest ways to permanently establish ownership and identify cattle horses and other livestock. It serves as an excellent safeguard against livestock theft, loss or dispute.
- The International Livestock Identification Association considers livestock brands to be as important as return addresses on mail.
- The Missouri Department of Agriculture works to ensure that the brand on your livestock is recorded with the state, and available to law enforcement and individuals within the livestock industry promptly in a time of need.

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## Registering Your Brand

- Legislation passed in 1971 requires the Missouri Department of Agriculture to be responsible for the registering of livestock brands. Brands must be recorded as required by Missouri's Marks and Brands of Animal Law to prove ownership and to be considered legal evidence in a court of law.
- In Missouri, it is a felony to brand someone else's animals or to efface, deface or obliterate any livestock brand. It also is illegal to use any brand for branding horses, cattle, sheep, mules or asses unless the brand has been recorded with the Department of Agriculture.

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## Registering Your Brand

- Once brands are recorded with the Department of Agriculture they become the personal property of the owner.
- In 1992, changes to the brand law made cryo-branding or freeze-branding legal and gives it the same status as hot-iron branding. Freeze branding shows up well on dark-colored livestock.

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## Registering Your Brand

- Livestock owners who wish to register a brand must obtain an Application for Brand Registration from the Missouri Department of Agriculture online or by mail.
- Applicants will be asked to state the name of their requested brand and provide a sketch of the design.
- Requests will be compared to existing brands to prevent duplication.

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## Registering Your Brand

- The fees for registering a brand are as follows:
- Registration fee: \$35
- Maintenance fee: \$20
- Copy of Brand Book: \$15
- Transfer fee: \$10
- Additional copies of brand certificate: \$10




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## Guidelines for Creating & Registering Your Brand

- The brand can be registered for use on the shoulder, rib or hip on either side of the animal. Placement (left or right side) is determined by standing behind the animal. Brands must be three (3) inches or larger in diameter.
- Brands may consist of capital letters, numerals, symbols and characters.
- A single letter or figure may not stand alone as a legal brand in Missouri

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## Guidelines for Creating & Registering Your Brand

- Brands may utilize creative orientations, such as a "lazy" letter branded at a 90 degree angle.
- Brands may not be used before being properly registered.
- Brands must be properly recorded in accordance with RSMo. 268.011-171
- Registered brands may be transferred from one individual to another. Signed and notarized certificate.

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## Livestock Registered Brand Examples



**Brand Name:** CHLn  
**Owner:** Lucas Forrest D  
 AB12710  
**City in use:** Cross Timbers 65634  
**Counties in use:** Hickory, Benton  
**Expiration Date:** 03/01/2022  
**Status:** On-Hold  
**Position:** Left Rib, Left Hip



**Brand Name:** PSI  
**Owner:** Piper Kevin  
 AB11023  
**City in use:** Flemington 65650  
**Counties in use:** Hickory  
**Expiration Date:** 03/01/2024  
**Status:** Active  
**Position:** Left Hip



**Brand Name:** PAFCan  
**Business Name:** Pitts Angus Farms  
 AB13854  
**City in use:** Hermitage 65668  
**Counties in use:** Hickory  
**Expiration Date:** 03/01/2032  
**Status:** Released  
**Position:** Left Hip

## RFID Bang Tags May 27, 2022



- USDA recently announced radio frequency identification (RFID) tags will not be mandated as the only tag option for interstate movement of cattle and bison, after reviewing public comments from a 2020 proposal. The agency will use the rulemaking process to proceed with their proposal, and therefore the original notice issued will not be finalized. All other approved forms of identification may be used until further notice.

## RFID Bang Tags Background

- In the spring of 2019, USDA's Animal and Plant Health Inspection Service (APHIS) quietly announced they would be requiring RFID tags over the traditional metal bangs tags. Producers would have four years to switch to RFID tags, and by January 2023, the tags would be mandatory for moving cattle and bison interstate movement.

• Information obtained from *Western Livestock Journal*

**Missing Livestock Report**

RP: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Owner (other than RP): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Type of Livestock: \_\_\_\_\_

Color	Color	Ear tags	Brand	Location	Tattoo	Weight
Corn	_____	_____	_____	_____	_____	_____
Cow	_____	_____	_____	_____	_____	_____
Bull	_____	_____	_____	_____	_____	_____
Horse	_____	_____	_____	_____	_____	_____
Sheep	_____	_____	_____	_____	_____	_____
Goat	_____	_____	_____	_____	_____	_____
Swine	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

**Interview**

Livestock brand visible? Yes / No  
Livestock purchased? Yes / No  
If purchased from where and when: \_\_\_\_\_  
How often are livestock checked? \_\_\_\_\_  
When was last count right? \_\_\_\_\_  
Any gates padlocked? Yes / No  
Has neighbor been notified? Yes / No  
Who are these live neighbors? \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
North \_\_\_\_\_  
West \_\_\_\_\_  
If north, was they DCV (disease vaccination)? YES / NO  
Vaccination: \_\_\_\_\_  
Side have normally used \_\_\_\_\_  
If brand was used is it registered? YES / NO  
Is livestock insured? YES / NO  
If in pasture does RP own or rent \_\_\_\_\_ If renting how long \_\_\_\_\_  
If renting who is owner? \_\_\_\_\_  
What method is used to identify of lost livestock \_\_\_\_\_  
If livestock were in a pasture have RP show a map of pasture. Indicate all gates, water sources, and ponds.

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**Identifying Bang Tags**

- How to Identify a Bangs Tag
  - 43ABC0001
    - o State
  - 43 – Missouri
  - 71 – Arkansas
  - 73 – Oklahoma
  - 74 – Texas



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**Trailer VIN Identification**

- Last 6 digits of the VIN will be stamped or welded normally on the Driver's Side Rear of the trailers main frame; but can be on the neck of the trailer.



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## Missouri Revised Statutes – Chapter 268

268.011	Definitions.	268.091	Brand definition and location, single letter or figure unacceptable.
268.021	Adoption of brands authorized.	268.101	Brands transferable, transfer fee.
268.031	Recorded brands as evidence.	268.111	Disputed ownership investigated, how — costs, how paid.
268.041	Adoption of brand, procedure, fee — conflicts, duty of director, recording.	268.121	Recorded brand list a public record, furnished to general public at cost.
268.051	Brand recording, effect of.	268.131	Fees, disposition — livestock brands fund, creation, use, administration.
268.061	Copies of record furnished — additional copies, fee.	268.141	Owner of brand to pay fee, when, amount — forfeiture of brand, reissuance, when.
268.063	Confidentiality of premises registration information.	268.151	Illegal branding a felony, how punished.
268.071	Use of unrecorded brands prohibited, exceptions, penalty.	268.171	Slaughterers to keep records.
268.081	In-herd brands, location of.		

## Missouri Revised Statutes – Chapter 268

- **268.011. Definitions.** — When used in sections 268.011 to 268.171:
  - (1) "Brand" means a permanent identification mark placed on the hide of a live animal by a hot iron, cryo-branding, or any other method approved by the director of a size at time of application not smaller than three inches in diameter;
  - (2) "Cryo-branding" means a brand produced by application of extreme cold temperature;
  - (3) "Director" means the director of the department of agriculture;
  - (4) "Person" means an individual, firm, association, partnership, or corporation; the singular shall also mean the plural where applicable.
- **268.021. Adoption of brands authorized.** — Any person having cattle, sheep, horses, mules, or asses shall have the right to adopt a brand for the use of which he shall have the exclusive right in this state, after recording the brand as provided in sections 268.011 to 268.171.
- **268.031. Recorded brands as evidence.** — No evidence of ownership by brand shall be permitted in any court in this state unless the brand shall be recorded as provided in sections 268.011 to 268.171.

## Missouri Revised Statutes – Chapter 268

- **268.041. Adoption of brand, procedure, fee — conflicts, duty of director, recording.** — Any person desiring to adopt a brand shall forward to the director proper brand application forms of the desired brand, together with a recording fee of thirty-five dollars. Upon receipt of the application and fee, the director shall file the same and unless the brand is of record as that of some other person or conflicts with or closely resembles the brand of another person, the director shall record the same. If the director determines that the brand is of record or conflicts with or closely resembles the brand of another person he shall not record it but shall return the facsimile and fee to the forwarding person. The power of examination, approval, acceptance, or rejection shall be vested in the director, subject to the provisions of chapter 536 and the appeals granted therein. It shall be the duty of the director to file all brands offered for record pending the examination provided for in this section. The director shall make the examination as promptly as possible. If the brand is accepted, the ownership thereof shall vest in the person recording it from the date of filing.

## Missouri Revised Statutes – Chapter 268

- **268.051. Brand recording, effect of.** — The recording provided for in sections 268.011 to 268.171 shall secure the brand to the person and shall be considered personal property of the owner.
- **268.061. Copies of record furnished — additional copies, fee.** — As soon as the brand is recorded by the director, he shall furnish the owner thereof with two certified copies of the record of the brand. Additional certified copies may be obtained by the payment of ten dollars for each copy.
- **268.063. Confidentiality of premises registration information.** — Any information related to premises registration shall be confidential information, to be shared with no one except state and federal animal health officials, and shall not be subject to subpoena or other compulsory production.

## Missouri Revised Statutes – Chapter 268

- **268.071. Use of unrecorded brands prohibited, exceptions, penalty.** — It shall be unlawful to use any brand for branding any horses, cattle, sheep, mules, or asses unless the brand has been recorded as provided by sections 268.011 to 268.171. Hot brands and cryo-brands, consisting of arabic numerals only, may be used in conjunction with recorded brands for within-the-herd identification and as such shall not be recorded; and when so used shall not be evidence of ownership. Anyone convicted of violating this section shall be fined a sum not to exceed one hundred dollars or be confined in the county jail for not to exceed thirty days.

## Missouri Revised Statutes – Chapter 268

- **268.081. In-herd brands, location of.** — Any brand used for in-herd identification shall be located at least ten inches apart from the ownership brand.
- **268.091. Brand definition and location, single letter or figure unacceptable.** — Brand definition shall include the designated letters and figures in combination with one of the following locations on the animal: The shoulder, ribs, or hip on the right side and the shoulder, ribs or hip on the left side, as determined by standing behind the animal. No single letter or single figure shall be accepted as a registered brand.
- **268.101. Brands transferable, transfer fee.** — 1. Any brand recorded as provided in section 268.041 shall be the property of the person causing the record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale, assignment, or transfer of the brand shall be recorded by the director, and the fee for recording the sale, assignment, or transfer shall be ten dollars. 2. As soon as instruments of writing evidencing the sale, assignment, or transfer of a brand have been recorded by the director, he shall furnish the new owner certified copies of the sale, assignment, or transfer.



## Missouri Revised Statutes – Chapter 268

- **268.111. Disputed ownership investigated, how — costs, how paid.** — In all suits at law or equity or in any criminal proceedings in which the title to animals is an issue, the certified copies recorded as provided for in section 268.061 shall be prima facie evidence of the ownership of the animal by the person in whose name the brand is recorded. Disputes in custody or ownership of branded animals shall be investigated, on request, by the sheriff of the county where the animals are located and he may call upon the services of a disinterested veterinarian, approved by the director of the department of agriculture, in reading the brands on animals. The cost of the veterinarian's services shall be borne by the person requesting the investigation, but this cost shall be reasonable and fair. The results of the sheriff's investigation shall be a public record and be admissible in evidence.

## Missouri Revised Statutes – Chapter 268

- **268.121. Recorded brand list a public record, furnished to general public at cost.** — It shall be the duty of the director from time to time to create a list of all brands on record at that time and make such list available to the public on a publicly accessible website. The list shall be updated from time to time. The list shall contain a facsimile of all brands recorded and the owner's name and post office address. The records shall be arranged in convenient form for reference. The list may be sold to the general public at the cost of its printing and mailing.
- **268.131. Fees, disposition — livestock brands fund, creation, use, administration.** — All fees and money collected under the provisions of sections 268.111. to 268.171 by the director shall be placed in the state treasury to the credit of the "Livestock Brands Fund", which is hereby created. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the division of animal health of the department of agriculture in the administration of this chapter. The unexpended balance in the fund at the end of every two fiscal years shall be transferred to the credit of the general revenue fund.

## Missouri Revised Statutes – Chapter 268

- **268.141. Owner of brand to pay fee, when, amount — forfeiture of brand, reissuance, when.** — Each owner of a brand of record shall pay to the director a fee of twenty dollars on March first of each fifth year after registration. The director shall give a receipt for all such payments made and if any owner of a brand of record shall fail, refuse, or neglect to pay such fee by July first of each year in which it is due, the brand shall become forfeited and no longer be carried in the record. Any such forfeited brand shall not be issued to any other person within a period of less than five years following date of forfeiture.
- **268.151. Illegal branding a felony, how punished.** — Any person who shall brand, attempt to brand, or cause to be branded the animals of another, or who shall efface, deface, or obliterate or attempt to efface, deface, or obliterate any brand upon any animal or animals of another, or who shall brand, attempt to brand, or cause to be branded the recorded brand of another on any animal shall be guilty of a felony and shall be imprisoned by the department of corrections for not more than five years.

## Missouri Revised Statutes – Chapter 268

- **268.171. Slaughterers to keep records.** — 1. Every person slaughtering any branded cattle, sheep, horses, mules, or asses shall keep a record of the number of such animals slaughtered, the date of the slaughter, the name and address of the person from whom purchased or for whom the work was done, the brand on the animals, and the actual or estimated weight of each such animal.
  2. Every livestock market receiving any branded cattle, sheep, horses, mules or asses shall keep a record of the number of such animals received, the date of receipt, the name and address of the person from whom received and a facsimile of the brand.
  3. The records required by this section shall be kept for a period of at least two years.
  4. Nothing contained in this section will impose any liability on a market operator or any person engaged in the slaughtering of livestock. All facsimiles of brands shall be used only as a record of identification.

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