

**77-18-5. Wild horses; conformation, history and deoxyribonucleic acid testing; Spanish colonial horses; birth control.**

A. As used in this section:

(1) "public land" does not include federal land controlled by the bureau of land management, the forest service or state trust land controlled by the state land office;

(2) "range" means the amount of land necessary to sustain a herd of **wild horses**, which does not exceed its known territorial limits;

(3) "Spanish colonial **horse**" means a **wild horse** that is descended from horses of the Spanish colonial period; and

(4) "**wild horse**" means an unclaimed **horse** on public land that is not an estray.

B. A **wild horse** that is captured on public land shall have its conformation, history and deoxyribonucleic acid tested to determine if it is a Spanish colonial **horse** . If it is a Spanish colonial **horse** , the **wild horse** shall be relocated to a state or private **wild horse** preserve created and maintained for the purpose of protecting Spanish colonial horses. If it is not a Spanish colonial **horse** , it shall be returned to the public land, relocated to a public or private **wild horse** preserve or put up for adoption by the agency on whose land the **wild horse** was captured.

C. If the mammal division of the museum of southwestern biology at the university of New Mexico determines that a **wild horse** herd exceeds the number of horses that is necessary for preserving the genetic stock of the herd and for preserving and maintaining the range, it may cause control of the **wild horse** population through the use of birth control and may cause excess horses to be:

(1) humanely captured and relocated to other public land or to a public or private **wild horse** preserve;

(2) adopted by a qualified person for private maintenance; or

(3) euthanized; provided that this option applies only to **wild horses** that are determined by a veterinarian to be crippled or otherwise unhealthy.

History: Laws 2007, ch. 216, § 1.