

1 AN ACT relating to cruelty to animals.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 525.130 is amended to read as follows:

- 4 (1) A person is guilty of cruelty to animals in the second degree when except as
5 authorized by law he ***or she knowingly or recklessly***~~[intentionally or wantonly]~~:
- 6 (a) Subjects any animal to or causes cruel or injurious mistreatment
7 ***including***~~[through]~~ abandonment, ***or by participating***~~[participates]~~ other than
8 as provided in KRS 525.125 in causing ***an animal***~~[it]~~ to fight for pleasure or
9 profit, ~~[including, but not limited to being a spectator or vendor at an event~~
10 where a four (4) legged animal is caused to fight for pleasure or profit~~)]~~, ***by***
11 mutilation, beating, ***or*** torturing any animal other than a dog or cat, ***by***
12 tormenting, ***or by*** failing to provide adequate food, drink, space, or health
13 care, or by any other means; ***or***
- 14 (b) Subjects any animal in his ***or her*** custody to~~[cruel]~~ neglect~~;~~~~or~~
- 15 ~~(c) Kills any animal other than a domestic animal killed by poisoning. This~~
16 ~~paragraph shall not apply to intentional poisoning of a dog or cat. Intentional~~
17 ~~poisoning of a dog or cat shall constitute a violation of this section].~~
- 18 (2) Nothing in this section shall apply to the killing of animals:
- 19 (a) Pursuant to a license to hunt, fish, or trap;
- 20 (b) Incident to the ***legal*** processing as food or ~~[for]~~ other commercial purposes;
- 21 (c) For humane purposes;
- 22 (d) For ***customary*** veterinary ***practices such as***~~[, agricultural,]~~spaying or
23 neutering, or cosmetic purposes ***performed by a licensed veterinarian;***
- 24 (e) For purposes relating to ***customary*** sporting activities, including but not
25 limited to horse racing at organized races and training for organized races,
26 organized horse shows, or other animal shows ***not governed by federal law;***
- 27 (f) For bona fide animal research activities of institutions of higher education; or

- 1 a business entity registered with the United States Department of Agriculture
2 under the Animal Welfare Act or subject to other federal laws governing
3 animal research;
- 4 (g) In reasonable defense of self or another person against an aggressive or
5 diseased animal;
- 6 (h) In reasonable defense of a domestic animal against an aggressive or diseased
7 animal;
- 8 (i) For accepted animal or pest control practices; or
9 (j) For any other purpose authorized by law.
- 10 (3) Activities of animals legally engaged in hunting, field trials, dog training other than
11 training a dog to fight for pleasure or profit, and other activities authorized either by
12 a hunting license or by the Department of Fish and Wildlife shall not constitute a
13 violation of this section.
- 14 (4) Cruelty to animals in the second degree is a Class A misdemeanor.
- 15 (5) If a person is convicted of or pleads guilty to an offense under ~~subsection (1) of~~
16 ~~this section arising from the person's treatment of an equine~~, the court may
17 impose one (1) or both of the following penalties against the person, in addition to
18 fines and imprisonment:
- 19 (a) An order that the person pay restitution for damage to the property of others
20 and for costs incurred by others, including reasonable costs, as determined by
21 agreement or by the court after a hearing, incurred in feeding, sheltering,
22 veterinary treatment, and incidental care of any animal~~equine~~ that was the
23 subject of the offense resulting in conviction; or
- 24 (b) An order terminating or imposing conditions on the person's right to
25 possession, title, custody, or care of any animal~~equine~~ that was the subject
26 of the offense resulting in conviction.
- 27 If a person's ownership interest in an animal~~equine~~ is terminated by a judicial

1 order~~[under paragraph (b) of this subsection]~~, the court may order the ~~[sale,~~
 2 ~~conveyance, or other]~~disposition of the animal~~[equine]~~ that was the subject of the
 3 offense resulting in conviction to an appropriate shelter, rescue organization, or
 4 other humane disposition as the court sees fit.

5 ➔Section 2. KRS 525.135 is amended to read as follows:

6 (1) As used in this section, unless the context otherwise requires~~[,]~~:

7 (a) "Physical injury" means substantial physical pain or any impairment of
 8 physical condition;

9 (b) "Reasonable costs" includes but is not limited to the cost to feed, shelter,
 10 and provide veterinary treatment and incidental care of a dog or cat that
 11 was subjected to torture or extreme neglect; and

12 (c) "Torture" means the intentional, knowing, or reckless infliction of or
 13 subjection to extreme or continued physical pain, or physical~~[or]~~ injury~~;~~,
 14 motivated by an intent to increase or prolong the pain of the animal].

15 (2) A person is guilty of torture of a dog or cat when he or she without legal
 16 justification intentionally, knowingly, or recklessly tortures a ~~[domestic]~~dog or cat.

17 (3) Torture of a dog or cat is a ~~[Class A misdemeanor for the first offense and a Class D~~
 18 ~~felony for each subsequent offense if the dog or cat suffers physical injury as a~~
 19 ~~result of the torture, and a]Class D felony~~[if the dog or cat suffers serious physical~~~~
 20 ~~injury or death as a result of the torture].~~

21 (4) Nothing in this section shall apply to the killing or injuring of a dog or cat:

22 (a) ~~[In accordance with a license to hunt, fish, or trap;~~

23 ~~(b)]~~For humane purposes;

24 ~~(b)(e)]~~ For customary veterinary practices such as~~[, agricultural,]~~ spaying or
 25 neutering, or cosmetic purposes performed by a licensed veterinarian;

26 ~~(c)(d)]~~ For customary and legal purposes relating to sporting activities
 27 including but not limited to training for organized dog or cat shows~~[, or other~~

1 animal shows in which a dog or a cat, or both, participate];

2 ~~(d)~~~~(e)~~ For bona fide animal research activities, using dogs or cats, of
 3 institutions of higher education; or a business entity registered with the United
 4 States Department of Agriculture under the Animal Welfare Act or subject to
 5 other federal laws governing animal research;

6 ~~(e)~~~~(f)~~ In ***reasonable*** defense of self or another person against an aggressive or
 7 diseased dog or cat; ***or***

8 ~~(f)~~ f

9 ~~(g)~~—In defense of a domestic animal against an aggressive or diseased dog or cat;

10 ~~(h)~~—For animal or pest control; or

11 ~~(i)~~—]For any other purpose authorized by law.

12 (5) ***If a person is convicted of, or pleads guilty to, an offense pursuant to this section,***
 13 ***the court may, in addition to a fine and imprisonment, impose one (1) or both of***
 14 ***the following penalties against the person:***

15 ***(a) An order that the person pay restitution for damage to the property of others***
 16 ***and for reasonable costs incurred by others, as determined by agreement or***
 17 ***by the court after a hearing; and***

18 ***(b) An order terminating or imposing conditions on the person's right to***
 19 ***possession, title, custody, or care of any dog or cat that was the subject of***
 20 ***the offense resulting in conviction***~~[Activities of animals engaged in hunting,~~
 21 ~~field trials, dog training other than training a dog to fight for pleasure or profit,~~
 22 ~~and other activities authorized either by a hunting license or by the~~
 23 ~~Department of Fish and Wildlife Resources shall not constitute a violation of~~
 24 ~~this section].~~

25 (6) ***If a person's ownership interest in a dog or cat is terminated by a judicial order,***
 26 ***the court may order the disposition of the dog or cat that was the subject of the***
 27 ***offense resulting in conviction to an appropriate shelter, rescue organization, or***

1 other humane disposition as the court sees fit~~[The acts specified in this section~~
 2 ~~shall not constitute cruelty to animals under KRS 525.125 or 525.130].~~

3 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
 4 READ AS FOLLOWS:

5 (1) As used in this section, unless the context otherwise requires:

6 (a) "Extreme neglect" means a failure by an owner or person charged with
 7 caring for a dog or cat to provide adequate food, drink, space, shelter, or
 8 health care that results in:

9 1. Physical injury;

10 2. Continued suffering; or

11 3. Death to a living dog or cat;

12 (b) "Physical injury" means substantial physical pain or any impairment of
 13 physical condition; and

14 (c) "Reasonable costs" includes but is not limited to the cost to feed, shelter,
 15 and provide veterinary treatment and incidental care of a dog or cat that
 16 was subjected to torture or extreme neglect.

17 (2) A person is guilty of extreme neglect of a dog or cat when he or she without legal
 18 justification intentionally, knowingly, or recklessly subjects a dog or cat to
 19 extreme neglect.

20 (3) Torture or extreme neglect of a dog or cat is a Class D felony.

21 (4) Nothing in this section shall apply to the killing or injuring of a dog or cat:

22 (a) For humane purposes;

23 (b) For customary veterinary practices such spaying or neutering, or cosmetic
 24 purposes performed by a licensed veterinarian;

25 (c) For customary and legal purposes relating to sporting activities, including
 26 but not limited to training for organized dog or cat shows;

27 (d) For bona fide animal research activities, using dogs or cats, of institutions

1 of higher education or a business entity registered with the United States
2 Department of Agriculture under the Animal Welfare Act or subject to
3 other federal laws governing animal research;

4 (e) In reasonable defense of self or another person against an aggressive or
5 diseased dog or cat; or

6 (f) For any other purpose authorized by law.

7 (5) If a person is convicted of, or pleads guilty to, an offense pursuant to this section,
8 the court may, in addition to a fine and imprisonment, impose one (1) or both of
9 the following penalties against the person:

10 (a) An order that the person pay restitution for damage to the property of others
11 and for reasonable costs incurred by others, as determined by agreement or
12 by the court after a hearing; and

13 (b) An order terminating or imposing conditions on the person's right to
14 possession, title, custody, or care of any dog or cat that was the subject of
15 the offense resulting in conviction.

16 (6) If a person's ownership interest in a dog or cat is terminated by a judicial order,
17 the court may order the disposition of the dog or cat that was the subject of the
18 offense resulting in conviction to an appropriate shelter, rescue organization, or
19 other humane disposition as the court sees fit.