

1 AN ACT relating to animal fighting.

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

3 ➔Section 1. KRS 525.125 is amended to read as follows:

4 (1) As used in this section:

5 (a) ~~["Dog" means a domesticated canid of the genus canis lupus familiaris; and~~

6 (b) ~~]"Animal[Dog] fight" or "Animal[dog] fighting" means any event that~~
7 involves a fight conducted or to be conducted between at least two (2)
8 animals[dogs] for purposes of sport, wagering, or entertainment, except that
9 the term "animal[dog] fight" or "animal[dog] fighting" shall not be deemed to
10 include any activity the purpose of which involves the use of one (1) or more
11 dogs in hunting or taking another animal; and

12 (b) "Dog" means a domesticated canid of the genus canis lupus familiaris.

13 (2) A person is ~~The following persons are~~ guilty of cruelty to animals in the first
14 degree when he or she knowingly:

15 (a) Causes an animal to engage in animal fighting; ~~Whenever a dog is~~
16 ~~knowingly caused to dog fight for pleasure or profit:~~

17 1. ~~The owner of the dog;~~

18 2. ~~The owner of the property on which the fight is conducted if the owner~~
19 ~~knows of the dog fight; and~~

20 3. ~~Anyone who participates in the organization of the dog fight; and]~~

21 (b) ~~[Any person who knowingly]~~Owns, possesses, keeps, trains, sells, or
22 otherwise transfers an animal[a dog] for the purpose of animal[dog] fighting;

23 (c) Participates in the organization, operation, or promotion of any act
24 described in paragraph (a) or (b) of this subsection, or controls, aids, or
25 abets any of those acts, including permitting or allowing any act described
26 in paragraph (a) or (b) of this subsection to occur on any premises under
27 the person's charge or control;

1 (d) Is present, as a spectator or vendor, at any place where an animal fight is
2 occurring; or

3 (e) Causes or allows a person under eighteen (18) years of age to attend an
4 animal fight.

5 (3) (a) Activities of dogs engaged in hunting, field trials, dog training, and other
6 activities authorized either by a hunting license or by the Department of Fish
7 and Wildlife Resources shall not constitute a violation of this section.

8 ~~(b)(4)~~ Activities of dogs engaged in working or guarding livestock shall not
9 constitute a violation of this section.

10 (4) Falconry authorized by a falconry permit and a hunting license issued by the
11 Department of Fish and Wildlife Resources shall not constitute a violation of this
12 section.

13 (5) (a) For a violation of subsection (2)(a), (b), or (c) of this section, cruelty to
14 animals in the first degree is a Class D felony.

15 (b) For a violation of subsection (2)(d) or (e) of this section, cruelty to animals
16 in the first degree is a Class A misdemeanor.

17 (6) If a person is convicted of or pleads guilty to an offense under subsection (2)(a),
18 (b), or (c) of this section, the court shall, in addition to fines and imprisonment,
19 order:

20 (a) Forfeiture of the animal or animals that were the subject of the violation;

21 (b) Termination of, or the imposition of conditions on, the person's right to
22 possession, custody, or control of any animal; and

23 (c) Transfer of the animal or animals that were the subject of the violation to:

24 1. The owner, if the person violating subsection (2)(a), (b), or (c) of this
25 section is not the owner of the animal or animals; or

26 2. The county animal officer employed, appointed, or contracted with, as
27 provided by KRS 258.195.

1 **(7) The court may order restitution to be paid to any person who possesses an animal**
 2 **or animals under subsection (6)(c) of this section for reasonable expenses related**
 3 **to the cost and care of the animal or animals.**

4 ➔Section 2. KRS 525.130 is amended to read as follows:

5 (1) A person is guilty of cruelty to animals in the second degree when except as
 6 authorized by law he **or she** intentionally or wantonly:

7 (a) Subjects any animal to or causes cruel or injurious mistreatment through
 8 abandonment, ~~participates other than as provided in KRS 525.125 in causing~~
 9 ~~it to fight for pleasure or profit (including, but not limited to being a spectator~~
 10 ~~or vendor at an event where a four (4) legged animal is caused to fight for~~
 11 ~~pleasure or profit),] mutilation, beating, torturing any animal other than a dog~~
 12 or cat, tormenting, failing to provide adequate food, drink, space, or health
 13 care, or by any other means;

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 processing as food or for other commercial purposes;

21 (c) For humane purposes;

22 (d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;

23 (e) For purposes relating to sporting activities, including but not limited to horse
 24 racing at organized races and training for organized races, organized horse
 25 shows, or other animal shows;

26 (f) For bona fide animal research activities of institutions of higher education,~~;~~
 27 or a business entity registered with the United States Department of

1 Agriculture under the Animal Welfare Act or subject to other federal laws
2 governing animal research;

3 (g) In defense of self or another person against an aggressive or diseased animal;

4 (h) In defense of a domestic animal against an aggressive or diseased animal;

5 (i) For animal or pest control; or

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

7 (3) Activities of animals engaged in hunting, field trials, dog training other than
8 training a dog to fight for pleasure or profit, and other activities authorized either by
9 a hunting license or by the Department of Fish and Wildlife shall not constitute a
10 violation of this section.

11 (4) Cruelty to animals in the second degree is a Class A misdemeanor.

12 (5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this
13 section arising from the person's treatment of an equine, the court may impose one
14 (1) or both of the following penalties against the person, in addition to fines and
15 imprisonment:

16 (a) An order that the person pay restitution for damage to the property of others
17 and for costs incurred by others, including reasonable costs, as determined by
18 agreement or by the court after a hearing, incurred in feeding, sheltering,
19 veterinary treatment, and incidental care of any equine that was the subject of
20 the offense resulting in conviction; or

21 (b) An order terminating or imposing conditions on the person's right to
22 possession, title, custody, or care of any equine that was the subject of the
23 offense resulting in conviction.

24 If a person's ownership interest in an equine is terminated by a judicial order under
25 paragraph (b) of this subsection, the court may order the sale, conveyance, or other
26 disposition of the equine that was the subject of the offense resulting in conviction.

27 ➔Section 3. KRS 436.610 is amended to read as follows:

1 All animals of the same species, which are on the property when an animal is caused to
2 fight for pleasure or profit, in violation of ~~the provisions of~~ KRS 525.125 ~~and~~
3 ~~525.130~~, shall be confiscated and turned over to the county animal control officer
4 employed, appointed, or contracted with as provided by KRS 258.195, if there are
5 reasonable grounds to believe that the animals were on the property for the purpose of
6 fighting.