

1 AN ACT relating to the torture of a dog or cat.

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

3 ➔Section 1. KRS 525.135 is amended to read as follows:

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

5 ***(a) "Torture" means the intentional infliction of or subjection to extreme***
 6 ***physical pain or serious injury or death to a dog or cat, motivated by intent***
 7 ***or wanton disregard that causes, increases, or prolongs the pain or***
 8 ***suffering of the dog or cat, including serious physical injury or infirmity,***
 9 ***and does so while the dog or cat is restrained, which may include being:***

10 ***1. Locked in a cage or kennel;***

11 ***2. Sealed in a plastic bag or box;***

12 ***3. Chained or tied down to restrict motion;***

13 ***4. Pitched in a dumpster;***

14 ***5. Abandoned in a building for three (3) days or more with no intention***
 15 ***of returning or having made provisions for the animal's care;***

16 ***6. Physically restrained with tie wraps, rope, chains, or tape;***

17 ***7. Intentionally injured to cause immobility so that the animal cannot***
 18 ***save itself from starvation, dehydration, physical impairment, serious***
 19 ***physical injury or infirmity, or death; or***

20 ***8. Manually restrained; and***

21 ***(b) "Serious physical injury or infirmity" means physical injury or physical***
 22 ***infirmity that creates a substantial risk of death, protracted loss, or***
 23 ***impairment of the function of the limb or bodily organ caused by intent or***
 24 ***wanton disregard while restrained. As used in this paragraph:***

25 ***1. "Physical infirmity" includes intentional starvation, dehydration,***
 26 ***hypothermia, hyperthermia, muscle atrophy, restriction of blood flow***
 27 ***to a limb or organ, mange or other skin disease or parasitic infestation***

1 that has been refused medical care, denial of life-saving medical care
 2 or professional euthanasia while intentionally restraining with the
 3 intent to cause or the wanton disregard for extreme physical pain,
 4 serious injury, or death; and

5 2. "Physical injury" includes substantial physical pain, serious injury, or
 6 death intentionally caused by fractures, cuts, burns, punctures, bruises
 7 due to crushing, burning, drowning, beating, poisoning, suffocating,
 8 hanging, impaling or skinning alive, physical disfigurement, loss of
 9 function of a limb or body organ or other wounds or illnesses
 10 produced by violence or a thermal or chemical agent while
 11 intentionally restrained with the intent to cause or the wanton
 12 disregard for extreme physical pain, serious injury, or death

13 ~~["Torture" means the intentional infliction of or subjection to extreme physical pain~~
 14 ~~or injury, motivated by an intent to increase or prolong the pain of the~~
 15 ~~animal].~~

16 (2) A person is guilty of torture of a dog or cat when he or she, without legal
 17 justification, intentionally tortures a domestic dog or cat.

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

22 (4) Each act of torture of a dog or cat may constitute a separate offense.

23 (5) Under recommendation of a veterinarian, a tortured dog or cat may be humanely
 24 euthanized after it is seized if it is still alive but suffering from the intentional
 25 torture that will lead to its death.

26 (6) Nothing in this section shall apply to the killing or injuring of a dog or cat without
 27 intent to cause, or without wanton disregard of, increasing or prolonging the

1 **pain, suffering, or death of the dog or cat:**

- 2 (a) In accordance with a license to hunt, fish, or trap;
- 3 (b) For humane purposes;
- 4 (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes **or**
- 5 **breed-specific alterations such as cropping of ears, docking of tails, or**
- 6 **declawing of a cat, all done by a veterinarian;**
- 7 (d) For purposes relating to sporting activities including but not limited to
- 8 training for organized dog or cat shows, or other animal shows in which a dog
- 9 or a cat, or both, participate;
- 10 (e) For bona fide animal research activities, using dogs or cats, of institutions of
- 11 higher education; or a business entity registered with the United States
- 12 Department of Agriculture under the Animal Welfare Act or subject to other
- 13 federal laws governing animal research;
- 14 (f) In defense of self or another person against an aggressive or diseased dog or
- 15 cat;
- 16 (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
- 17 (h) For animal or pest control; or
- 18 (i) For any other purpose authorized by law.

19 ~~(7)(5)~~ Activities of animals engaged in hunting, field trials, dog training other than

20 training a dog to fight for pleasure or profit, and other activities authorized either by

21 a hunting license or by the Department of Fish and Wildlife Resources shall not

22 constitute a violation of this section.

23 ~~(8)(6)~~ The acts specified in this section shall not constitute cruelty to animals under

24 KRS 525.125 or 525.130.