

**CHAPTER 181****(SB 24)**

AN ACT relating to animal cruelty.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section, unless the context otherwise requires, "torture" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.*
- (2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat.*
- (3) Torture of a dog or cat is a Class A misdemeanor for the first offense, and a Class D felony for the second and subsequent offenses.*
- (4) Nothing in this section shall apply to the killing or injuring of a dog or cat:*
  - (a) In accordance with a license to hunt, fish, or trap;*
  - (b) For humane purposes;*
  - (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;*
  - (d) For purposes relating to sporting activities including but not limited to training for organized dog or cat shows, or other animal shows in which a dog or a cat, or both, participate;*
  - (e) For activities of bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;*
  - (f) In defense of self or another person against an aggressive or diseased dog or cat;*
  - (g) In defense of a domestic animal against an aggressive or diseased dog or cat;*
  - (h) For animal or pest control; or*
  - (i) For any other purpose authorized by law.*
- (5) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.*
- (6) The acts specified in this section shall not constitute cruelty to animals under KRS 525.125 or 525.130.*

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

- (1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:*
  - (a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight*

for pleasure or profit~~;~~ (including, but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit) mutilation, beating, torturing ***any animal other than a dog or cat***, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means; ~~or~~

- (b) Subjects any animal in his custody to cruel neglect; or
  - (c) Kills any animal ***other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.***
- (2) Nothing in this section shall apply to the killing of animals:
- (a) Pursuant to a license to hunt, fish, or trap;
  - (b) Incident to the processing as food or for other commercial purposes;
  - (c) For humane purposes;
  - (d) ***For veterinary, agricultural, spaying or neutering, or cosmetic purposes;***
  - (e) ***For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;***
  - (f) ***For bona fide animal research activities of institutions of higher education; or a business entity registered with the U.S. Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;***
  - (g) ***In defense of self or another person against an aggressive or diseased animal;***
  - (h) ***In defense of a domestic animal against an aggressive or diseased animal;***
  - (i) ***For animal or pest control; or***
  - (j) For any other purpose authorized by law.
- (3) Activities of animals engaged in hunting, field trials, dog training~~;~~ ***other than training a dog to fight for pleasure or profit***, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.
- (4) Cruelty to animals in the second degree is a Class A misdemeanor.

Section 3. KRS 258.245 is amended to read as follows:

~~{(1)} All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in KRS 258.235, it shall be unlawful for any person, except a peace officer, dog warden, or animal control officer to destroy~~-, injure, or poison~~, or attempt to destroy~~-, injure, or poison~~, any dog which bears a license tag for the current year.~~

~~{(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.}~~

**Approved March 31, 2003**