

**CHAPTER 145****( HB 200 )**

AN ACT relating to orders of restitution and forfeiture following a criminal conviction of cruelty to animals in the second degree.

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

➔Section 1. 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;
  - (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 United States 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.
- (5) ***If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:***
  - (a) ***An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or***
  - (b) ***An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.***

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

**Signed by Governor March 27, 2017.**