

CHAPTER 184

(SB 67)

AN ACT relating to sexual crimes against animals.

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:*

- (a) *"Animal" means any nonhuman creature; and*
- (b) *"Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving:*
 - 1. *Contact between the sex organs or anus of one (1) and the mouth, sex organs, or anus of another;*
 - 2. *The insertion of any part of the animal's body into the vaginal or anal opening of the person; or*
 - 3. *The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal without a bona fide veterinary or animal husbandry purpose.*

(2) *A person is guilty of sexual crimes against an animal if he or she:*

- (a) *Engages in sexual contact with an animal;*
- (b) *Advertises, solicits, offers, or accepts the offer of an animal, or possesses, purchases, or otherwise obtains an animal, with the intent that the animal be subject to sexual contact; or*
- (c) *Causes, aids, or abets another person to engage in sexual contact with an animal.*

(3) *Sexual crimes against an animal is a Class D felony.*

(4) *Nothing in this section shall apply to:*

- (a) *Accepted veterinary practices;*
- (b) *Artificial insemination of an animal for reproductive purposes;*
- (c) *Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal; or*
- (d) *Generally accepted practices related to the judging of breed conformation.*

(5) *In addition to the penalty imposed in subsection (3) of this section, the court shall order a person convicted of violating this section to:*

- (a) *Relinquish custody of all animals under the person's control. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned;*
- (b) *Not harbor, own, possess, or exercise control over any animal, reside in any household where animals are present, or work or volunteer in a place where the person has unsupervised access to animals for a minimum of five (5) years after completion of the imposed sentence;*
- (c) *Attend an appropriate treatment program or obtain psychiatric or psychological counseling, at the person's expense; and*
- (d) *Reimburse the agency caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.*

➔Section 2. KRS 258.005 is amended to read as follows:

As used in KRS 258.005 to 258.087, unless the context requires otherwise:

- (1) "Dog" means any canine three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine;
- (2) "Owner" means any person owning, keeping, or harboring a dog, cat, or ferret in Kentucky;
- (3) "Veterinarian" means a licensed practitioner of veterinary medicine;
- (4) "Qualified person" means a person granted a permit by the secretary for health and family services to vaccinate his own dog against rabies;
- (5) "Vaccination" means the administration by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with administrative regulations promulgated by the secretary for health and family services;
- (6) "Cat" means any feline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine;
- (7) "Animal control officer" means an individual who is employed or appointed by, or has contracted with:
 - (a) A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, *sexual crimes against*, or torture of animals, and local animal control ordinances; or
 - (b) An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, *sexual crimes against*, or torture of animals, and local animal control ordinances;
- (8) "Ferret" means any musteline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine; and
- (9) "Quarantine" means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal.

➔Section 3. KRS 258.095 is amended to read as follows:

As used in KRS 258.095 to 258.500, unless the context requires otherwise:

- (1) "Department" means the Department of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Board" means the Animal Control Advisory Board created by KRS 258.117;
- (4) "Dog" means any domestic canine, six (6) months of age or older;
- (5) "Owner," when applied to the proprietorship of a dog, includes:
 - (a) Every person having a right of property in the dog; and
 - (b) Every person who:
 1. Keeps or harbors the dog;
 2. Has the dog in his or her care;
 3. Permits the dog to remain on or about premises owned and occupied by him or her; or
 4. Permits the dog to remain on or about premises leased and occupied by him or her;
- (6) "Attack" means a dog's attempt to bite or successful bite of a human being. This definition shall not apply to a dog's attack of a person who has illegally entered or is trespassing on the dog owner's property in violation of KRS 511.060, 511.070, 511.080, or 511.090;
- (7) "Vicious dog" means any individual dog declared by a court to be a vicious dog;
- (8) "Animal control officer" means an individual who is employed or appointed by, or has contracted with:
 - (a) A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, *sexual crimes against*, or torture of animals, and local animal control ordinances; or

- (b) An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, *sexual crimes against*, or torture of animals, and local animal control ordinances;
- (9) "Designated license facility" means any person, facility, or business designated by resolution of the governing body of the county to collect license fees under KRS 258.135;
- (10) "Cat" means any domestic feline three (3) months of age or older;
- (11) "Ferret" means any domestic musteline three (3) months of age or older;
- (12) "Euthanasia" means the act of putting an animal to death in a humane manner by methods specified as acceptable for that species by the most recent report of the American Veterinary Medical Association Panel on Euthanasia, subject to the requirements provided by KRS 258.505;
- (13) "Animal shelter" means any facility used to house or contain animals, operated or maintained by a governmental body, incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization;
- (14) "Quarantine" means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal;
- (15) "Livestock" means poultry; ratites; and cervine, bovine, ovine, porcine, caprine, or equine animals that are privately owned and raised in a confined area for breeding stock, food, fiber, or other products; and
- (16) "Poultry" means chickens, ducks, turkeys, or other domestic fowl.

➔Section 4. KRS 436.605 is amended to read as follows:

- (1) Animal control officers and officers and agents of humane societies who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services shall have the powers of peace officers, except for the power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, *sexual crimes against*, or torture of animals, provided they possess the qualifications required under KRS 61.300.
- (2) When any peace officer, animal control officer, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty, mistreatment, *sexual crimes against*, or torture of animals is being committed in a building, barn, or other enclosure, the judge shall issue a search warrant directed to the peace officer, animal control officer, or officer or agent of the society or association for the prevention of cruelty to animals to search the premises. If a peace officer finds that an act of cruelty, mistreatment, *sexual crimes against*, or torture of animals is being perpetrated, the offender or offenders shall be immediately arrested by the peace officer and brought before the court for trial. If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, *sexual crimes against*, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.

Signed by Governor March 26, 2019.