

AN ACT relating to animal fighting.

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

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

- (1) The following persons are guilty of cruelty to animals in the first degree whenever a four-legged animal is caused to fight for pleasure or profit:
 - (a) The owner of the animal;
 - (b) The owner of the property on which the fight is conducted if the owner knows of the fight; and
 - (c) Anyone who participates in the organization of the fight.
- (2) Activities of animals engaged in hunting, field trials, and dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources or sanctioned by the American Kennel Club, the United Kennel Club, or other accredited national organizations shall not constitute a violation of this section.
- (3) Activities by animals actively engaged in guarding livestock shall be exempt from this section.
- (4) Cruelty to animals in the first degree is a Class D felony.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

- (1) Any person who knowingly owns, possesses, keeps, breeds, trains, sells, or otherwise transfers a domestic dog from the subspecies *Canis lupus familiaris* for the primary purpose of that dog being used to fight another domestic dog from the subspecies *Canis lupus familiaris* for pleasure or profit is guilty of furthering dog fighting.
- (2) Activities of animals engaged in hunting, field trials, and dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources or sanctioned by the American Kennel Club, the United

Kennel Club, or other accredited national organizations shall not constitute a violation of this section.

(3) Activities by animals actively engaged in guarding livestock shall be exempt from this section.

(4) Furthering dog fighting is a Class D felony.

➔Section 3. KRS 257.490 is amended to read as follows:

- (1) The Commissioner shall have the power to employ persons to serve as peace officers. All persons employed as peace officers by the department shall meet the qualifications set forth in KRS 15.380 to 15.404 concerning officer certification and training.
- (2) Officers employed by the department shall have full powers as peace officers and shall be limited to the enforcement of Department of Agriculture statutes and administrative regulations, except when it is necessary to enforce KRS Chapter 514 related to theft cases involving animals, KRS Chapter 516 related to forgery of animal health certificates, or KRS Chapter 525 related to animal cruelty, mistreatment, or torture. **Notwithstanding any other provision of this subsection, officers employed by the department shall not enforce Section 1 or 2 of this Act.**
- (3) The department shall establish and maintain an operational procedures manual outlining specific actions to be taken by officers pursuant to this section.

➔Section 4. 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 **or Section 2 of this Act** 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.