

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

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

4 ➔Section 1. KRS 525.130 is amended to read as follows:

- 5 (1) A person is guilty of cruelty to animals in the second degree when except as
6 authorized by law he intentionally or wantonly:
- 7 (a) Subjects any animal to or causes cruel or injurious mistreatment through
8 abandonment, participates other than as provided in KRS 525.125 in causing
9 it to fight for pleasure or profit (including, but not limited to being a spectator
10 or vendor at an event where a four (4) legged animal is caused to fight for
11 pleasure or profit), mutilation, beating, torturing any animal other than a dog
12 or cat, tormenting, failing to provide adequate food, drink, space, or health
13 care, or by any other means;
 - 14 (b) Subjects any animal in his custody to cruel neglect; or
 - 15 (c) Kills any animal other than a domestic animal killed by poisoning. This
16 paragraph shall not apply to intentional poisoning of a dog or cat. Intentional
17 poisoning of a dog or cat shall constitute a violation of this section.
- 18 (2) Nothing in this section shall apply to the killing of animals:
- 19 (a) Pursuant to a license to hunt, fish, or trap;
 - 20 (b) Incident to the processing as food or for other commercial purposes;
 - 21 (c) For humane purposes;
 - 22 (d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;
 - 23 (e) For purposes relating to sporting activities, including but not limited to horse
24 racing at organized races and training for organized races, organized horse
25 shows, or other animal shows;
 - 26 (f) For bona fide animal research activities of institutions of higher education; or
27 a business entity registered with the United States Department of Agriculture

1 under the Animal Welfare Act or subject to other federal laws governing
2 animal research;

3 (g) In defense of self or another person against an aggressive or diseased animal;

4 (h) In defense of a domestic animal against an aggressive or diseased animal;

5 (i) For animal or pest control; or

6 (j) For any other purpose authorized by law.

7 (3) Activities of animals engaged in hunting, field trials, dog training other than
8 training a dog to fight for pleasure or profit, and other activities authorized either by
9 a hunting license or by the Department of Fish and Wildlife shall not constitute a
10 violation of this section.

11 (4) Cruelty to animals in the second degree is a Class A misdemeanor.

12 **(5) If a person is convicted of or pleads guilty to an offense under subsection (1) of**
13 **this section arising from the person's treatment of an equine, the court may**
14 **impose one (1) or both of the following penalties against the person, in addition**
15 **to fines and imprisonment:**

16 **(a) An order that the person pay restitution for damage to the property of others**
17 **and for costs incurred by others, including reasonable costs, as determined**
18 **by agreement or by the court after a hearing, incurred in feeding,**
19 **sheltering, veterinary treatment, and incidental care of any equine that was**
20 **the subject of the offense resulting in conviction; or**

21 **(b) An order terminating or imposing conditions on the person's right to**
22 **possession, title, custody, or care of any equine that was the subject of the**
23 **offense resulting in conviction.**

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