

1 AN ACT relating to animal torture.

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

3 ➔Section 1. KRS 525.135 is amended to read as follows:

4 (1) ~~[As used in this section, unless the context otherwise requires, "torture" means the~~
5 ~~intentional infliction of or subjection to extreme physical pain or injury, motivated~~
6 ~~by an intent to increase or prolong the pain of the animal.~~

7 ~~(2)~~ A person is guilty of torture of a dog or cat when he or she without legal
8 justification ***knowingly***~~[intentionally]~~ tortures a domestic dog or cat.

9 **(2) As used in this section, "torture" includes but is not limited to:**

10 **(a) Deliberate neglect that results in the death of or serious physical injury to a**
11 **dog or cat, including abandonment or depriving a dog or cat of:**

12 **1. Food and water;**

13 **2. Needed shelter from temperature extremes; and**

14 **3. Needed medical attention; and**

15 **(b) Physical abuse that results in the death of or serious physical injury to a**
16 **dog or cat.**

17 **(3) Torture of a dog or cat is:**

18 **(a) A Class D felony for the first offense. Except as provided in paragraph (b)**
19 **of this subsection, if a first offense results in the death of or serious physical**
20 **injury to a dog or cat, the mandatory minimum term of Class D felony**
21 **imprisonment shall be five (5) years, which term shall not be suspended,**
22 **probated, conditionally discharged, or subject to any other form of early**
23 **release; and**

24 **(b) A Class C felony for a second or subsequent offense, or a first offense that**
25 **is:**

26 **1. Described in subsection (2)(b) of this section and committed in the**
27 **presence of a minor;**

- 1 2. Committed by an employee or agent of an animal shelter as defined in
 2 KRS 258.095; or
- 3 3. Committed by an employee or agent of a business as defined in KRS
 4 45A.030 that works with dogs or cats commercially;
 5 with a mandatory minimum term of imprisonment of ten (10) years, which
 6 term shall not be suspended, probated, conditionally discharged, or subject
 7 to any other form of early release.
- 8 (4) A person whose single course of conduct includes offenses against more than one
 9 (1) animal shall be prosecuted for each individual offense against each individual
 10 dog or cat. If a person is convicted of more than one (1) offense of torture of a
 11 dog or cat, the sentences shall run consecutively.
- 12 (5) Any person who has been convicted of, entered an Alford plea to, or pleaded
 13 guilty to torture of a dog or cat shall forfeit ownership of the dog or cat, of
 14 applicable, and shall be prohibited from owning or possessing a dog or cat:
 15 (a) For a period of five (5) years from the date of the conviction or plea for a
 16 first offence; and
 17 (b) For the remainder of the person's life for a second or subsequent offense.
- 18 (6) Any dog or cat forfeited under this section shall be offered to a nonprofit animal
 19 rescue organization with a no-kill policy. If the nonprofit animal rescue
 20 organization declines to accept a dog or cat, the dog or cat shall be given to a
 21 county animal shelter. Dogs and cats that are received by a county animal shelter
 22 pursuant to this section may not be euthanized unless they are deemed to be
 23 suffering past recovery by a veterinarian. ~~-(3) — Torture of a dog or cat is a Class~~
 24 ~~A misdemeanor for the first offense and a Class D felony for each subsequent~~
 25 ~~offense if the dog or cat suffers physical injury as a result of the torture, and a Class~~
 26 ~~D felony if the dog or cat suffers serious physical injury or death as a result of the~~
 27 ~~torture.~~

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3 ~~(Z)[(4)]~~ Nothing in this section shall apply to the killing or injuring of a dog or cat *in*
4 *accordance with a license to legally hunt, fish, or trap.*~~;~~

5 (a) ~~In accordance with a license to hunt, fish, or trap;~~

6 (b) ~~For humane purposes;~~

7 (c) ~~For veterinary, agricultural, spaying or neutering, or cosmetic purposes;~~

8 (d) ~~For purposes relating to sporting activities including but not limited to training~~
9 ~~for organized dog or cat shows, or other animal shows in which a dog or a cat,~~
10 ~~or both, participate;~~

11 (e) ~~For bona fide animal research activities, using dogs or cats, of institutions of~~
12 ~~higher education; or a business entity registered with the United States~~
13 ~~Department of Agriculture under the Animal Welfare Act or subject to other~~
14 ~~federal laws governing animal research;~~

15 (f) ~~In defense of self or another person against an aggressive or diseased dog or~~
16 ~~cat;~~

17 (g) ~~In defense of a domestic animal against an aggressive or diseased dog or cat;~~

18 (h) ~~For animal or pest control; or~~

19 (i) ~~For any other purpose authorized by law.~~

20 (5) ~~Activities of animals engaged in hunting, field trials, dog training other than~~
21 ~~training a dog to fight for pleasure or profit, and other activities authorized either by~~
22 ~~a hunting license or by the Department of Fish and Wildlife Resources shall not~~
23 ~~constitute a violation of this section.]~~

24 (8) ~~(6)]~~ The acts specified in this section shall not constitute cruelty to animals under
KRS 525.125 or 525.130.