

1 AN ACT relating to animal torture and making an appropriation therefor.

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 ***recklessly***~~[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; or**

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 A misdemeanor for the first offense with, KRS 534.040**  
19 **notwithstanding, a fine of one thousand dollars (\$1,000) and a term of**  
20 **imprisonment for no less than thirty (30) days and no more than twelve (12)**  
21 **months, which shall not be suspended, probated, conditionally discharged,**  
22 **or subject to any other form of early release. Any fines collected pursuant to**  
23 **this paragraph shall be deposited into the torture recovery fund established**  
24 **in Section 2 of this Act; and**

25 **(b) A Class D felony for each subsequent offense with a fine of one thousand**  
26 **dollars (\$1,000) to ten thousand dollars (\$10,000), which is in addition to**  
27 **any fines imposed pursuant to KRS 534.030. Any term of imprisonment**

1 imposed for a subsequent offense shall not be suspended, probated,  
 2 conditionally discharged, or subject to any other form of early release  
 3 before the person convicted has served at least ninety (90) days. Any fines  
 4 collected pursuant to this paragraph shall be deposited into the torture  
 5 recovery fund established in Section 2 of this Act. ~~[if the dog or cat suffers~~  
 6 ~~physical injury as a result of the torture, and a Class D felony if the dog or cat~~  
 7 ~~suffers serious physical injury or death as a result of the torture.]~~

8 (4) If a person is convicted of or pleads guilty to an offense under subsection (1) of  
 9 this section arising from the person's torture of a dog or cat, the court shall  
 10 impose the following penalties, in addition to fines and imprisonment:

11 (a) An order that the person pay restitution for costs incurred by others,  
 12 including reasonable costs, as determined by the court after a hearing,  
 13 incurred in feeding, sheltering, veterinary treatment, and incidental care of  
 14 any dog or cat that was the subject of the offense resulting in conviction;  
 15 and

16 (b) An order terminating the person's right to possession, title, custody, or care  
 17 of any dog or cat for a period of one (1) year for a misdemeanor offense,  
 18 and a period of five (5) years for a felony offense.

19 (5) Any dog or cat forfeited under this section shall be offered to a nonprofit animal  
 20 rescue organization with a no-kill policy. If the nonprofit animal rescue  
 21 organization declines to accept a dog or cat, the dog or cat shall be given to a  
 22 county animal shelter. Dogs and cats that are received by a county animal shelter  
 23 pursuant to this section may not be euthanized unless they are deemed to be  
 24 suffering past recovery by a veterinarian.

25 ~~(6)~~ ~~(4)~~ Nothing in this section shall apply to the killing or injuring of a dog or cat:

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

27 ~~(b)]~~ For humane purposes;

1 ~~(b)~~~~(c)~~ For ~~[veterinary, agricultural, ]~~spaying or neutering, or cosmetic  
2 purposes;

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

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

10 ~~(e)~~~~(f)~~ In defense of self or another person against an aggressive or diseased  
11 dog or cat;

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

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

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

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

20 ~~(Z)~~~~(6)~~ The acts specified in this section shall not constitute cruelty to animals under  
21 KRS 525.125 or 525.130.

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

24 **(1) The torture recovery fund is hereby established as a restricted fund.**

25 **(2) The fund shall be administered by the Administrative Office of the Courts.**

26 **(3) The fund shall consist of fines collected under Section 1 of this Act.**

27 **(4) Amounts deposited in the fund shall only be used for the purpose of distributing**

- 1        money to the county animal shelter of the county in which the person convicted  
2        of an offense under Section 1 of this Act was convicted.
- 3        (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal  
4        year shall not lapse but shall be carried forward into the next fiscal year.
- 5        (6) Any interest earnings of the fund shall become a part of the fund and shall not  
6        lapse.
- 7        (7) Moneys deposited in the fund are hereby appropriated for the purposes set forth  
8        in this section and shall not be appropriated or transferred by the General  
9        Assembly for any other purposes.