

1 AN ACT relating to an animal abuse registry.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Animal abuse offender registry" means the registry for animal abuse*  
7 *established under subsection (2) of this section;*

8 *(b) "Animal abuse offense" means a felony violation of KRS 525.125, 525.135,*  
9 *or 525.200 or Section 3 of this Act;*

10 *(c) "Department" means the Department of Kentucky State Police;*

11 *(d) "Offender" means any person who has been convicted of or entered a guilty*  
12 *plea or Alford plea to an animal abuse offense; and*

13 *(e) "Offender information" means the offender's name, age, county of*  
14 *residence, current photograph, a description of the crime or crimes*  
15 *committed, and other identifying information determined necessary by the*  
16 *department.*

17 *(2) The department shall develop and operate an animal abuse offender registry for*  
18 *offenders by January 1, 2020.*

19 *(3) Once the department has developed the animal abuse offender registry pursuant*  
20 *to subsection (2) of this section, an offender, upon his or her release by the court,*  
21 *Parole Board, Department of Corrections, Department of Juvenile Justice, or any*  
22 *detention facility, shall be required to register with the department for two (2)*  
23 *years for a first animal abuse offense, and for five (5) years for each subsequent*  
24 *animal abuse offense. The person in charge of the release shall facilitate the*  
25 *registration process. All required registration periods from animal abuse offenses*  
26 *shall run consecutively. At the conclusion of the offender's registration period,*  
27 *the department shall remove the corresponding offender information from the*

1       animal abuse offender registry.

2       (4) Any person required to register pursuant to subsection (3) of this section shall be  
3       informed of the duty to register by the court at the time of sentencing if the court  
4       grants probation or conditional discharge or does not impose a penalty of  
5       incarceration, or if incarcerated, by the official in charge of the place of  
6       confinement upon release.

7       (5) (a) Except as provided in paragraph (b) of this subsection, any person required  
8       to register pursuant to subsection (3) of this section shall be required to pay  
9       a fee of one hundred dollars (\$100) to the department at the time of  
10       registration, and an additional one hundred dollars (\$100) annually for  
11       each year the person is required to be registered. The fee shall be deposited  
12       by the department into the animal abuse offender registry fund established  
13       in Section 2 of this Act.

14       (b) The department shall waive the annual registration fee if the registrant is  
15       found by a court of competent jurisdiction to be an indigent person as  
16       defined in KRS 31.100.

17       (c) The registrant shall not be prevented from registering because of failure to  
18       pay the registration fee.

19       (6) (a) Once the department has developed the animal abuse offender registry  
20       pursuant to subsection (2) of this section, the department shall establish a  
21       Web site available to the public. The Web site shall display offender  
22       information and shall be updated at least once every thirty (30) days.

23       (b) Upon receiving notice from the court of conviction that an offender is  
24       required to register, the department shall post the offender information  
25       provided by the court on the Web site, and shall provide the offender  
26       information to each county sheriff.

27       (7) The department shall promulgate administrative regulations to establish and

1 operate the animal abuse offender registry, including but not limited to policies  
 2 and procedures:

3 (a) For compiling, publishing, and maintaining offender information;

4 (b) For how an individual may be removed from the registry; and

5 (c) To ensure compliance with all other state and federal laws.

6 (8) Any department employee who disseminates, or does not disseminate, offender  
 7 information in good-faith compliance with the requirements of this section shall  
 8 be immune from criminal and civil liability for the dissemination or lack thereof.

9 (9) Any person required to register under this section who knowingly violates any of  
 10 the provisions of this section is guilty of a Class A misdemeanor.

11 (10) Any person required to register under this section who knowingly provides false,  
 12 misleading, or incomplete information is guilty of a Class A misdemeanor.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO  
 14 READ AS FOLLOWS:

15 (1) The animal abuse offender registry fund is created as a restricted fund that shall  
 16 consist of moneys deposited pursuant to Section 1 of this Act and shall be used  
 17 for the purposes set forth in subsection (3) of this section. The Department of  
 18 Kentucky State Police shall administer the fund.

19 (2) Notwithstanding KRS 45.229, any moneys in the fund shall not lapse but shall be  
 20 carried forward to the next fiscal year. In addition, any interest earned on moneys  
 21 in the fund shall become part of the fund and shall not lapse.

22 (3) All funds in the animal abuse offender registry fund are hereby appropriated to  
 23 the Department of Kentucky State police to develop and operate the animal abuse  
 24 offender registry in accordance with Section 1 of this Act.

25 ➔Section 3. KRS 525.130 is amended to read as follows:

26 (1) A person is guilty of cruelty to animals in the second degree when, except as  
 27 authorized by law, he or she intentionally or wantonly:

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

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

5 (4) Cruelty to animals in the second degree is a Class A misdemeanor *for the first*  
6 *offense, and a Class D felony for each subsequent offense.*

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

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

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

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

22 ➔Section 4. This Act shall be known and may be cited as Arrow's Law.