

1 AN ACT relating to animal sheltering and care.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Within ninety (90) days of the effective date of this Act, any local government that*
6 *maintains, enters into an intergovernmental agreement for, or contracts with an*
7 *entity for animal sheltering and control services shall:*

8 *(a) Adopt the standards for an animal control and care program established by*
9 *KRS 258.119(3);*

10 *(b) Adopt an ordinance establishing the responsibility of a dog owner to provide*
11 *adequate outdoor shelter for a dog that is predominantly housed outside. At*
12 *minimum, the ordinance shall include standards for outdoor sheltering and*
13 *care of a dog that require:*

14 *1. Outdoor shelters to be large enough, constructed of appropriate*
15 *materials, and maintained in a manner that provides a level of*
16 *protection from extreme weather events and meets the standards*
17 *under KRS 258.119(3)(b)4., 5., and 8.; and*

18 *2. The dog owner to check on the condition of the dog as frequently as*
19 *needed, predicated on the dog's breed and age, to ensure that*
20 *sheltering and care prevent injury or death; and*

21 *(c) Require all dog owners to obtain a dog license, which shall stipulate that*
22 *the owner agrees to the outdoor sheltering and care standards established*
23 *under paragraph (b)1. and 2. of this subsection.*

24 *(2) Any person who shelters and cares for their dog outdoors shall comply with the*
25 *standards for the outdoor sheltering and care under paragraph (b) 1. and 2. of*
26 *this section.*

27 *(3) A person shall not shelter and care for a dog outdoors in a manner that would*

1 reasonably lead to the dog's immediate injury or death. Peace officers or animal
2 control officers shall seize and impound any dog that is living outdoors where the
3 shelter and care violate the standards set in subsection (1)(b)1. and 2. of this
4 section and would reasonably lead to the dog's immediate injury or death.

5 (4) Upon seizure of the dog, the animal shelter shall notify the owner of the
6 impoundment. The notice shall reference all applicable penalties, including the
7 possible forfeiture of the dog.

8 ➔Section 2. KRS 258.990 is amended to read as follows:

9 (1) Any person who violates KRS 258.015, 258.035, 258.055, 258.065, or 258.085
10 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars
11 (\$100). Each day of violation shall constitute a separate offense.

12 (2) The owner of any dog, cat, or ferret which bites a human being shall be liable to pay
13 all damages for personal injuries resulting from the bite of the dog, cat, or ferret.

14 (3) (a) Any person violating or failing or refusing to comply with KRS 258.095 to
15 258.365, except KRS 258.235(5)(a), shall, upon conviction, be fined not less
16 than five dollars (\$5) nor more than one hundred dollars (\$100), or be
17 imprisoned in the county jail for not less than five (5) nor more than sixty (60)
18 days, or both.

19 (b) Any person violating KRS 258.235(5)(a) shall be punished by a fine of not
20 less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by
21 imprisonment in the county jail for not less than ten (10) nor more than sixty
22 (60) days, or both.

23 (4) Any person who violates the standards for outdoor sheltering and care for a dog
24 established pursuant to subsection (1)(b)1. and 2. of Section 1 of this Act shall be
25 guilty of:

26 (a) For a first offense, a violation punishable by written warning to abate the
27 condition of outdoor sheltering or care or both; and

1 (b) For a second offense, a violation punishable by a fine of not less than five
 2 dollars (\$5) or more than fifty dollars (\$50).

3 Each day the conditions persist unabated shall be considered a separate offense.

4 (5) Any person who is convicted of, pleads guilty, or enters an Alford plea to an
 5 offense under subsection (3) of Section 1 of this Act shall be guilty of a Class A
 6 misdemeanor, and the court:

7 (a) May impose one (1) or both of the following penalties against the person, in
 8 addition to fines and imprisonment:

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

14 2. An order terminating or imposing conditions on the person's right to
 15 possession, title, custody, or care of a dog that was the subject of the
 16 offense resulting in conviction; and

17 (b) Shall impose an order prohibiting the person from purchasing a dog license
 18 for a period not less than one (1) year.

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

22 (6) All fines collected under ~~subsections~~ (3) and (4) of this section shall
 23 after costs and commissions have been deducted, be paid to the department to be
 24 credited to the animal control and care fund.