

1 AN ACT relating to sexual crimes against animals.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Animal" means any nonhuman creature; and*

7 *(b) "Sexual contact" means any act committed between a person and an*
8 *animal for the purpose of sexual arousal, sexual gratification, abuse, or*
9 *financial gain involving:*

10 *1. Contact between the sex organs or anus of one (1) and the mouth, sex*
11 *organs, or anus of another;*

12 *2. The insertion of any part of the animal's body into the vaginal or anal*
13 *opening of the person; or*

14 *3. The insertion of any part of the body of a person or any object into the*
15 *vaginal or anal opening of an animal without a bona fide veterinary*
16 *or animal husbandry purpose.*

17 *(2) A person is guilty of sexual crimes against an animal if he or she:*

18 *(a) Engages in sexual contact with an animal;*

19 *(b) Advertises, solicits, offers, or accepts the offer of an animal, or possesses,*
20 *purchases, or otherwise obtains an animal, with the intent that the animal*
21 *be subject to sexual contact; or*

22 *(c) Causes, aids, or abets another person to engage in sexual contact with an*
23 *animal.*

24 *(3) Sexual crimes against an animal is a Class D felony.*

25 *(4) Nothing in this section shall apply to:*

26 *(a) Accepted veterinary practices;*

27 *(b) Artificial insemination of an animal for reproductive purposes;*

1 (c) Accepted animal husbandry practices, including grooming, raising,
 2 breeding, or assisting with the birthing process of animals or any other
 3 procedure that provides care for an animal; or

4 (d) Generally accepted practices related to the judging of breed conformation.

5 (5) In addition to the penalty imposed in subsection (3) of this section, the court shall
 6 order a person convicted of violating this section to:

7 (a) Relinquish custody of all animals under the person's control;

8 (b) Not harbor, own, possess, or exercise control over any animal, reside in any
 9 household where animals are present, or work or volunteer in a place where
 10 the person has unsupervised access to animals for a minimum of five (5)
 11 years after completion of the imposed sentence;

12 (c) Attend an appropriate treatment program or obtain psychiatric or
 13 psychological counseling, at the person's expense; or

14 (d) Reimburse the agency caring for the animal for reasonable costs incurred
 15 for the care and treatment of the animal from the date of impoundment
 16 until the disposition of the criminal proceeding.

17 (6) If a peace officer or animal control officer, as defined in KRS 258.005, has
 18 probable cause to believe that there has been a violation of this section, the
 19 officer may seize any animal:

20 (a) Believed to be the subject of sexual crimes against an animal: or

21 (b) Owned by the individual believed to have committed sexual crimes against
 22 an animal.

23 ➔Section 2. KRS 436.605 is amended to read as follows:

24 (1) Animal control officers and officers and agents of humane societies who are
 25 employed by, appointed by, or have contracted with a city, county, urban-county,
 26 charter county, or consolidated local government to provide animal sheltering or
 27 animal control services shall have the powers of peace officers, except for the

1 power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised
2 Statutes relating to cruelty, mistreatment, sexual crimes against, or torture of
3 animals, provided they possess the qualifications required under KRS 61.300.

4 (2) When any peace officer, animal control officer, or any officer or agent of any
5 society or association for the prevention of cruelty to animals duly incorporated
6 under the laws of this Commonwealth who is employed by, appointed by, or has
7 contracted with a city, county, urban-county, charter county, or consolidated local
8 government to provide animal sheltering or animal control services makes an oath
9 before any judge of a District Court that he has reasons to believe or does believe
10 that an act of cruelty, mistreatment, sexual crimes against, or torture of animals is
11 being committed in a building, barn, or other enclosure, the judge shall issue a
12 search warrant directed to the peace officer, animal control officer, or officer or
13 agent of the society or association for the prevention of cruelty to animals to search
14 the premises. If a peace officer finds that an act of cruelty, mistreatment, sexual
15 crimes against, or torture of animals is being perpetrated, the offender or offenders
16 shall be immediately arrested by the peace officer and brought before the court for
17 trial. If an animal control officer or an officer or agent of a society or association for
18 the prevention of cruelty to animals finds that an act of cruelty, mistreatment,
19 sexual crimes against or torture of animals is being perpetrated, the officer or agent
20 shall summon a peace officer to arrest the offender or offenders and bring them
21 before the court for trial.