

1 AN ACT relating to animal cruelty.

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 *As used in Sections 1 to 5 of this Act:*

6 *(1) "Animal control officer" shall have the same meaning as in KRS 258.095;*

7 *(2) "Animal cruelty law" means any state, county, or municipal law or ordinance*
8 *enacted in Kentucky to prevent:*

9 *(a) Cruelty to an animal;*

10 *(b) Neglect of an animal;*

11 *(c) Abandonment of an animal;*

12 *(d) Bestiality; or*

13 *(e) Animal fighting;*

14 *including but not limited to KRS 525.125, 525.130, 525.135, and 525.137;*

15 *(3) "Owner" means every person having a right of property in the animal; and*

16 *(4) "Seizing agency" means the agency employing a peace officer or animal control*
17 *officer who seizes an animal.*

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

20 *(1) When an animal is seized by a peace officer or animal control officer as part of*
21 *the enforcement of an animal cruelty law, the seizing agency shall, within twenty-*
22 *four (24) hours, serve notice of the seizure upon the owner of the animal in*
23 *person or by affixing the notice in a conspicuous place where the animal was*
24 *found. The notice shall:*

25 *(a) Advise of the seizure of the animal;*

26 *(b) Provide a description of the animal;*

27 *(c) Provide the authority for and purpose of the seizure, including the time,*

- 1 place, and circumstances under which the animal was seized;
- 2 (d) Include the date the notice was served;
- 3 (e) Include a statement that the owner is responsible for the reasonable cost of
4 caring for the animal during the pendency of the criminal case, or until the
5 animal is relinquished, forfeited, or returned;
- 6 (f) Include a Declaration of Ownership form as provided in subsection (2) of
7 this section;
- 8 (g) Include a statement that the owner must sign and return to the seizing
9 agency the enclosed Declaration of Ownership form provided under
10 subsection (2) of this section, within five (5) days after the date the notice
11 was served, or the animal will be deemed abandoned and will be forfeited to
12 the seizing agency; and
- 13 (h) Include the contact information of the seizing agency.
- 14 (2) The seizing agency shall include a Declaration of Ownership form with the notice
15 of seizure. The form shall:
- 16 (a) Provide for a declaration of ownership of the animal;
- 17 (b) Provide for an affirmation of intent to reclaim the animal;
- 18 (c) Collect the contact information of the owner, including name, address,
19 email address, and phone number;
- 20 (d) Include a statement that the owner is responsible for the reasonable cost of
21 caring for the animal during the pendency of the criminal case, or until the
22 animal is relinquished, forfeited, or returned;
- 23 (e) Include a statement that the form must be returned to the seizing agency
24 within five (5) days after the date of the notice, or the animal will be deemed
25 abandoned and will be forfeited to the seizing agency;
- 26 (f) Include a signature and date line; and
- 27 (g) Include information explaining the methods by which the form may be

1 returned to the seizing agency.

2 (3) After the date the notice of seizure is served, an owner of a seized animal shall
3 have five (5) days to declare his or her intent to reclaim the animal by signing
4 and returning to the seizing agency the Declaration of Ownership form enclosed
5 in the notice as provided for in subsection (2) of this section.

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

8 (1) (a) A seizing agency may petition a court of competent jurisdiction to require
9 the owner of the animal to pay into the court funds in an amount sufficient
10 to secure payment of all reasonably anticipated costs related to the seizure
11 and care of the animal.

12 (b) Every petition filed under paragraph (a) of this subsection shall contain a
13 description of the time, place, and circumstances of the seizure, the legal
14 authority for the seizure, and the name and address of the owner or the
15 animal seized. The petition shall include proof of service of a seizure notice
16 and a signed Declaration of Ownership form as provided in Section 2 of this
17 Act.

18 (c) Notice of the petition shall be served upon the owner according to the
19 Kentucky Rules of Civil Procedure.

20 (2) (a) After notice of the petition is served, the court shall set a hearing on the
21 petition to determine the need to care and provide for the seized animal
22 pending the final disposition of the custody of the animal. The hearing shall
23 be conducted no less than ten (10) and no more than fifteen (15) business
24 days after notice of the hearing is served upon the owner.

25 (b) At the hearing, the seizing agency shall have the burden of establishing by a
26 preponderance of evidence that the seized animal was subjected to cruelty,
27 neglect, abandonment, bestiality, or animal fighting as defined by the

1 relevant animal cruelty law that the seizure was based upon.

2 (c) Upon such a showing by a preponderance of the evidence, the court shall
3 require payment to the court of an amount sufficient to cover all reasonable
4 costs of care, as determined by the court, for a period beginning as of the
5 date of seizure and on a payment schedule determined by the court as
6 provided for in paragraph (f) of this subsection. If the seizing agency fails to
7 meet its burden, the animal shall be returned to the owner, and the owner
8 shall not be required to pay for the animal's cost of care for the period of
9 time the animal was in the custody of the seizing agency.

10 (d) The owner may be represented by counsel and may present evidence and
11 cross examine witnesses. No evidence or statement from the owner
12 submitted in the civil hearing shall be admissible in the criminal
13 proceeding.

14 (e) The court shall determine the reasonable costs of caring for the seized
15 animal, including but not be limited to costs incurred by the seizing agency,
16 or agency caring for the animal on its behalf, for veterinary care, transport,
17 and boarding. In determining the reasonable costs of animal care that are
18 the responsibility of the owner, in no case shall the court consider the
19 owner's ability to pay.

20 (f) The court shall set a payment schedule that the owner of the seized animal
21 shall pay through the pendency of the criminal proceeding, or until
22 forfeiture or relinquishment occurs. The first payment shall be due no more
23 than ten (10) days after the petition hearing occurs and future payments
24 shall be due in no more than thirty (30) day increments.

25 (g) The seizing agency, or agency caring for the animal on its behalf, shall be
26 eligible to draw funds from the court to reimburse its actual costs incurred
27 caring for the animal. If actual costs exceed the amount deposited in the

1 court, the seizing agency may petition the court to require the owner to pay
 2 additional funds to the court. If unused funds remain in the court after the
 3 final disposition of the custody of the animal, the court shall return the
 4 unused funds to the owner.

5 (h) If an owner of a seized animal fails to make a required payment, the animal
 6 shall be forfeited to the seizing agency as a matter of law.

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

9 Upon conviction for a violation of an animal cruelty law, a judge, in addition to any
 10 other penalty, may:

11 (1) Order the forfeiture of the animal the conviction is based on;

12 (2) Order the owner, if he or she has not already done so, to reimburse the seizing
 13 agency, or animal care agency caring for the animal on its behalf, for the
 14 reasonable costs incurred caring for the animal. Reasonable costs include but are
 15 not limited to veterinary care, transport, and boarding; and

16 (3) Order the defendant prohibited, for a minimum period of five (5) years after
 17 completion of the imposed sentence, from:

18 (a) Harboring;

19 (b) Owning;

20 (c) Possessing;

21 (d) Exercising control over;

22 (d) Residing in a household with; or

23 (e) Working or volunteering in a place where he or she has unsupervised
 24 access to;

25 any animal.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
 27 READ AS FOLLOWS:

- 1 *Any animal seized by a peace officer or animal control officer as part of the*
- 2 *enforcement of an animal cruelty law shall not be destroyed, except for humane*
- 3 *reasons as determined by a licensed veterinarian.*