

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

24 *(1) Advise of the seizure of the animal;*

25 *(2) Provide a description of the animal;*

26 *(3) Provide the authority for and purpose of the seizure, including the date, time, and*
27 *place the animal was seized;*

- 1 (4) Include the date the notice was served;
- 2 (5) Include a statement that the owner may be responsible for the reasonable cost of
3 caring for the animal during the pendency of the criminal case, or until the
4 animal is relinquished, forfeited, or returned, whichever occurs first;
- 5 (6) Include a Declaration of Ownership form which shall:
- 6 (a) Include the contact information of the seizing agency;
- 7 (b) Provide for a declaration of ownership of the animal;
- 8 (c) Provide for an affirmation of intent to reclaim the animal or affirmation of
9 intent to voluntarily relinquish ownership of the animal to the seizing
10 agency;
- 11 (d) Collect the contact information of the owner, including name, address, e-
12 mail address, and phone number;
- 13 (e) Include a statement that the owner may be responsible for the reasonable
14 cost of caring for the animal during the pendency of the criminal case, or
15 until the animal is relinquished, forfeited, or returned, whichever occurs
16 first;
- 17 (f) Include a statement that the form must be returned to the seizing agency
18 within ten (10) days after the date of the notice, or the animal shall be
19 deemed abandoned and shall be forfeited to the seizing agency;
- 20 (g) Include information explaining the methods by which the form may be
21 returned to the seizing agency; and
- 22 (h) Include a signature and date line for acknowledgement of receipt of the
23 Declaration of Ownership and understanding of the statements contained in
24 the declaration.

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

27 (1) (a) A seizing agency may petition a court of competent jurisdiction to require

1 the owner of the animal to pay into court funds in an amount sufficient to
2 secure payment of all reasonably anticipated costs related to the seizure and
3 care of the animal if an owner has affirmed his or her intent to reclaim the
4 animal by timely returning the Declaration of Ownership form as provided
5 in Section 2 of this Act.

6 (b) Every petition filed under paragraph (a) of this subsection shall contain a
7 description of the date, time, and place of the seizure, the legal authority for
8 the seizure, and the name and address of the owner of the seized animal.
9 The petition shall include proof of service of a seizure notice and a signed
10 Declaration of Ownership form as provided in Section 2 of this Act.

11 (c) Notice of the petition shall be served upon the owner in accordance with the
12 Kentucky Rules of Civil Procedure.

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

18 (b) At the hearing, the seizing agency shall have the burden of establishing by a
19 preponderance of the evidence that the seized animal was subjected to
20 cruelty, neglect, abandonment, sexual contact, or animal fighting as defined
21 by the relevant animal cruelty law providing the basis for the seizure.

22 (c) The owner may be represented by counsel, present evidence, and cross-
23 examine witnesses. No evidence or statement from the owner submitted in
24 the civil hearing shall be admissible in the criminal proceeding except for
25 purposes of impeachment.

26 (d) Upon a showing of cruelty, neglect, abandonment, sexual contact, or
27 animal fighting as required under paragraph (b) of this subsection, the

1 court shall determine the reasonable costs of caring for the seized animal,
2 including but not limited to costs incurred by the seizing agency, or its
3 designee, for veterinary care, transport, and boarding. In determining the
4 reasonable costs of animal care that are the responsibility of the owner, in
5 no case shall the court consider the owner's ability to pay.

6 (e) Upon a determination of the reasonable costs for caring for the seized
7 animal, the court shall enter an order requiring payment into court through
8 the pendency of the criminal proceeding, or until forfeiture or
9 relinquishment occurs. The first payment shall be due no later than ten (10)
10 days after the petition hearing occurs, and future payments shall be due in
11 no later than thirty (30) day increments.

12 (f) If the seizing agency fails to meet its burden, the animal shall be returned to
13 the owner, and the owner shall not be required to pay for the animal's cost
14 of care for the period of time the animal was in the custody of the seizing
15 agency.

16 (g) The seizing agency, or its designee, shall be eligible to draw funds paid into
17 court to reimburse its actual costs incurred for caring for the animal upon
18 submission of an accounting to the clerk of the court. If actual costs exceed
19 the amount deposited into court, the seizing agency may petition the court to
20 require the owner to pay additional funds into court. If unused funds
21 remain after the final disposition of the custody of the animal, the unused
22 funds shall be returned to the owner.

23 (h) If an owner of a seized animal fails to appear at the hearing or to make a
24 payment pursuant to the court's order, the animal shall be forfeited to the
25 seizing agency as a matter of law.

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

1 (1) Except as provided in KRS 525.137, upon conviction for a violation of any felony
2 offense related to animal cruelty, the court, in addition to any other penalty,
3 shall:

4 (a) Order forfeiture of the animal or animals the conviction is based on, with
5 custody given to the seizing agency, or its designee;

6 (b) Order the defendant, if he or she has not already done so, to reimburse the
7 seizing agency, or its designee, for the reasonable costs incurred in caring
8 for the animal or animals from the date of seizure until the disposition of
9 the criminal proceeding. Reasonable costs include but are not limited to
10 veterinary care, transport, and boarding;

11 (c) Order that the defendant shall be prohibited, for a minimum period of five
12 (5) years after completion of the imposed sentence, from having custody of
13 or residing in the same household with other animals; and

14 (d) Impose any other reasonable restrictions on the defendant's custody,
15 control, or unsupervised access of animals as the court deems necessary for
16 the protection of the animals.

17 (2) Upon conviction for any misdemeanor offense related to animal cruelty, the
18 court, in addition to any other penalty, may order any of the conditions set forth
19 in paragraphs (a) to (d) of subsection (1) of this section.

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

22 Any animal seized by a peace officer or animal control officer as part of the
23 enforcement of an animal cruelty law shall not be destroyed, except for humane
24 reasons as determined by a licensed veterinarian.